The Forum

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PRINCIPLES INVOLVED IN THE RECENT STRIKE.

TWICE within a year has the attention of the whole country, and indeed of a great part of the world, been directed to Chicago; this time, however, with very different emotions from those of last summer. Then we were called upon to behold the splendid achievements of our race in subjecting the material world to its control, and in extending the limits of its intellectual and moral progress. The enlargement of the circle of man's aspirations and wants, and the perseverance, the ingenuity, and the versatility displayed in satisfying these new desires, exalted our pride as we considered the past, and bewildered our imagination when we thought of the future. We celebrated, as we believed, the triumphant progress of civilization; but we hear it now proclaimed that this progress is superficial, and that the only triumph is that of the rich over the poor, of corruption over virtue, of might over right. Now we have to contemplate the destruction of wealth, the arrest of human activity, the defiance of law, and the attempted overthrow of those institutions upon which our civilization is supposed to rest, and without which its progress has been deemed impossible. For if the claims asserted by or in behalf of many thousand men are right, the basis of society as it exists is wrong, and peace can reign no more until this fundamental injustice is corrected.

It may be thought that the recent disturbances were but a repetition, upon a larger scale, of the ordinary phenomena of disputes between workmen and their employers. No doubt these phenomena have recurred; but there are certain features of this outbreak that have a novel and sinister significance. These features will be better

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understood if we briefly review the principal events of the strike in their relations to each other and to the claims put forth by the representatives of the workmen's unions.

At the beginning of May there were employed by the Pullman Palace Car Company, at its works at Pullman, Illinois, apparently about 3,100 men, although the errors in Mr. Pullman's published statement make the number uncertain, and it may have been much larger. The pay-roll amounted to $7,000 a day, and this seems to have been reduced $5,500 by the strike of 2,500 men. We may infer, therefore, that the average wages earned amounted to not less than $2 a day. The houses provided for the men by the company, as is well known, are much superior to those commonly occupied by workmen, and the town possesses many advantages over the ordinary village, great pains having been taken to make it as commodious and agreeable a place of residence as possible. The rent of those houses was less than 4 per cent upon their cost, and water was supplied at less than was paid for it by the company to the city authorities, by about $500 a month. Considering these advantages, and the present low prices of the ordinary requirements of life, it can scarcely be said that the employees were working at "starvation wages."

Their wages, however, had been materially reduced, and, in spite of representations made to them by the company that it was losing money by paying even the reduced wages, the great mass of the employees, without giving any notice, struck work. In this, it may be supposed in the absence of any evidence as to the terms of their contracts with the company, they were within their right. The company was also within its right in refusing to pay higher wages. A certain part of its business, which ordinarily gives employment to about 15 per cent of its workmen, consists in the manufacture of sleeping-cars, which are leased to the railroad companies. But, owing to the provision made for the heavy passenger travel last year, the supply of these cars is at present in excess of the demand, over 400 of them being now held in store. It is understood that the contracts made with the railroad companies are for long terms, these companies agreeing to pay mileage for the cars and to keep them in repair. The railroad companies are thus obliged, by the terms of their contracts, to draw these cars as a part of their trains, and the contracts are of such a nature that the courts would enjoin their violation by the railroad companies and enforce their specific performance. As common carriers they would probably be subject to

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this compulsion. Even if this is not true, the companies would be liable in damages for any refusal to carry out their agreements, so that in such event the Pullman company would lose nothing except the disbursements connected with the legal enforcement of its rights.

Under these circumstances there seemed to be nothing to do but for the Pullman company and its employees to wait until the demand for cars revived sufficiently to enable the company to pay such wages as would satisfy the men. This was not a difficult thing for the company to do, for it saved money by the cessation of work; but it was a severe experience for the workmen. After some weeks of idleness their situation called forth action on the part of the American Railway Union, an association of men employed by the railway companies, and, after some vain attempts to induce the Pullman company to yield to the demand for higher wages, the leaders of this Union issued an order to their followers to refuse to work for railroad companies that should thereafter continue to haul the Pullman cars. As no railroad companies ceased to carry out their contracts with the Pullman company, some of the trainmen and switchmen belonging to the Union obeyed the order, and refused to move trains to which Pullman cars were attached. For this the railroad companies discharged them, and tried to fill their places.

Thereupon a general strike was ordered by the Union, with the intention of putting a stop to all railroad traffic until their demands were complied with. This, however, had the effect of preventing the transportation of the mail; and the Federal government promptly took measures, both by injunction and by military force, to secure this transportation from interruption, which measures appear to have been immediately efficacious so far as the mails were concerned, but did not relieve the blockade of freight trains. After a few days of comparative freedom from lawlessness, the criminal classes and some of the strikers, or their sympathizers, tempted by the impunity with which they had trespassed upon the property of the railroad companies and interrupted the movement of trains, began to destroy cars and other property. This brought out a proclamation from the President, warning rioters to cease their disorder and to disperse, and caused an increase in the force of United States troops at Chicago.

This action by the United States government caused the Governor of Illinois to protest against it as unconstitutional, but without effect. The destruction of property increasing, the magistrates of the city of Chicago and State of Illinois called out a large force,

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so that, after some loss of life and considerable damage to property, order was restored. Some attempts were made to induce the Pullman company to submit the claims of its former employees to arbitration, but the company declared that there was no question that it could submit; that the men demanded higher wages, and that it could not pay them except at a serious loss. The attempt to induce the Pullman company to submit to arbitration the question whether there was any question to arbitrate, proving futile, a general strike of trade-unions was ordered, and to a considerable extent the order was obeyed. But as many members of the unions were already idle on account of the cessation of business caused by the railroad strike, the effect of this order was not so great as had been anticipated.

Such, briefly, were the principal events in this extensive demonstration by workingmen. Disregarding features common to this and other great strikes, I desire to call attention to the part played by the Federal authorities, contrasted with the attitude of the local authorities, and to the principles involved in the claims of the strikers.

The position taken by Governor Altgeld was that the United States government should not intervene, in cases of disorder within a State, unless requested to do so by the State government. He further maintained that no disorder existed in the State of Illinois, and asserted that the mail trains were delayed because the railroad companies could not procure men to operate them. He was ready, he declared, to employ the military force of the State of Illinois to protect property whenever demand was made upon him; but he maintained that no one had intimated to him that the assistance of these troops was desired or necessary. His contention was, in short, that either there was no disorder or he had not been officially informed of it. In view of the reports then appearing in all the newspapers, it is evident that disorder did exist to a serious extent, and we have to inquire how Governor Altgeld came to be personally as well as officially ignorant of the fact. The only answer possible is that the governor did not consider the presence in the railroad yards and about the trains, of crowds of men not employed by the railroad, as anything unlawful. According to appearances the mayor of Chicago entertained similar opinions. Such being the case, it would have been a futile proceeding for the railroad companies to appeal to the governor for the assistance of troops. Until rioting and destruction of property had actually begun, they could not have made out a case that would have satisfied that magistrate. It

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scarcely admits of doubt that he regarded the threats and solicitations addressed by strikers to men operating the trains—even when the strikers entered upon the property of the railroads for that purpose—as acts which the officers of the law should not attempt to suppress.

Whatever the sympathies of Governor Altgeld may be, it admits of no question that he was legally wrong in this position. The rights of citizens to be present upon the property of a railroad company are well defined by statute, and they are certainly much more limited than their rights in highways and other public places. Recent agitations have drawn attention to the latter subject, and it cannot be claimed that citizens have the unlimited right to gather in crowds, even if their purpose be a lawful one. Nor is there any law which requires the police to be informed of the commission of unlawful acts before they are permitted to exercise their authority. They have the right, and it is their duty, to prevent trespasses upon railroad property without waiting for any appeal from the companies for protection. So long as men not employed by the companies swarm upon their tracks and embarrass the movement of their trains, the authorities are negligent of their duty; and it does not lie in their mouth to declare that men cannot be obtained to operate trains, until they have established so orderly a condition of affairs that no attempts can be made to deter these men from working.

This principle appears to have been clearly recognized by the Federal authorities, and they were at the same time evidently aware that it was not recognized by the authorities of Illinois. It is certainly true that anything like a clash of authority between our State and Federal governments is to be deprecated, and it is also true that the action of President Cleveland was unusual. But it was not unprecedented, and even if there were no precedent the authority of statute would justify and require his intervention. There are contingencies when the President is required to employ the Federal forces in the several States upon the appeal of their governors. But there are also contingencies when he is required to do this without such appeal; and it certainly looks much as if the statute was made, and provided for, just such cases as that of Governor Altgeld. A perusal of sections 5298 and 5299 of the Revised Statutes of the United States, enacted respectively in 1861 and 1871, appears to put this beyond question. They read as follows, the italics being ours:

SEC. 5298. Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the government

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of the United States, it shall become impracticable, *in the judgment of the President*, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States, and *to employ such parts of the land and naval forces of the United States as he may deem necessary* to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.

SEC. 5299. Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection, named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and *the constituted authorities of such State are unable to protect, or, from any cause, fail in or refuse protection of the people in such rights*, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy, opposes or obstructs the laws of the United States, or the due execution thereof, or impedes or obstructs the due course of justice under the same, *it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combinations.*

But whatever the power of the President, it is obvious that the proper authorities to act first in suppressing a riot are those that are present at the scene. The intervention of the United States may be called for in some of the half-settled regions of the remote West, where the forces at the service of the State government are too small to preserve order among a rude population scattered over thousands of square miles of territory. It is otherwise with the State of Illinois and with the city of Chicago. The President suppressed lawlessness because the governor and the mayor did not, and the true cause of their inaction demands explanation. It is scarcely probable that if they were now candidates for re-election they would secure a majority of votes; but the fact that they were chosen to their offices shows that we may look for hesitation in enforcing the law, in the case of great strikes, upon the part of some of our magistrates. The cause of this will be disclosed by an examination of the principles involved in the claims of the American Railway Union.

Stated boldly, the members of this Union struck because the railroad companies refused to violate contracts at their request. The aim of the Union was to inflict injury upon the Pullman company in order that that company might be thereby induced to pay such wages as its workmen desired. It was impossible, however, to

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attack the Pullman company directly, for it had already ceased operations as a manufacturing concern, and as a landlord it had also ceased to collect rents. Hence the Union determined to compel the railroad companies to join in the attack by refusing to haul the Pullman cars. As they declined to be used in this way, the Union attempted to inflict such injuries upon them by stopping traffic as would bring them to submission. But, as has been pointed out, it was impossible for the railroad companies to comply with this demand, no matter what injuries were inflicted upon them. Had they attempted to comply, the Pullman company would have at once applied to the court for a mandatory injunction requiring the railroad companies to perform their agreements. Even were this not so, the Pullman company would have been at all events entitled to damages for breach of contract. It was clearly impossible to coerce that company by such means, and the Railway Unionists therefore took the position that they would interrupt the business of the country, subject thousands of innocent passengers to delay and annoyance, and throw thousands of workmen who had no part in the matter out of employment, merely as a manifestation of their power. Their attitude was essentially that of the anarchists. They were dissatisfied with the existing institutions of society; and in the face of the fact that the courts would promptly nullify the measure which they proposed to adopt, they insisted upon adopting it. They demanded that their will should be recognized as superior to the law of the land, and this revolutionary demand, together with the evident sympathy and practical encouragement of the State and city magistrates, is what gave the strike its significance.

It is true that what are called "sympathetic" strikes are not uncommon. The bricklayers employed upon a building quarrel with the builder over their wages, and strike work. Then the carpenters, in order to bring the builder to terms, also strike, and so on until the builder yields or gets a new set of workmen. Whatever may be thought of such proceedings, they do not, unless the men have stipulated to give notice before leaving their work, exceed the limits allowed by law. Even when men refuse to work for a builder unless he abandons the use of materials which he had contracted to purchase, they do not require an impossibility; for he may not be enjoined by the courts to use this material, a sufficient remedy for his breach of contract being found in awarding damages. But the case of a common carrier is different from that of a private

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employer of labor, and the application of the "boycott" to compel a railroad to cease doing that which the courts will compel it to do is a startling innovation. It signifies that the labor-unions, in spite of their professions of regard for the law, propose to defy it when it stands in the way of their desires. Unless they can control not only the magistrates but the courts of law, they cannot succeed; if they can control them they will be in position to establish society upon such principles as they see fit. The Dorr rebellion in Rhode Island presents many features like those of the present crisis, and the words of Mr. Webster concerning the principles involved in that movement are still timely. He declared:

"Our American mode of government does not draw any power from tumultuous assemblages. . . . It has been said that the people can get together, call themselves so many thousands, and establish whatever government they please. But others must have the same right. We have then a stormy South American liberty, supported by arms to-day, and crushed by arms to-morrow."

If this estimate of the situation be correct, it is obvious that there is no possibility of establishing any principle of compromise in such disputes. The observations submitted by the Duke of Devonshire in behalf of certain members of the Royal Commission on Labor, which has recently concluded its prolonged and elaborate investigations, place the matter in the clearest light and reveal the futility of the talk of compulsory arbitration. He says:

"To examine this question, it is desirable, in the first place, to point out what the State cannot do according to the ordinary principles accepted in this country. It seems to be obvious that the State cannot compel either individuals or bodies of men to enter into agreements, and that the State cannot compel employers to give employment or workmen to do work upon terms which they do not respectively accept. Inasmuch as strikes and lockouts are, in practice, the assertion of these essential liberties on the part of the employers and workmen, it is clear that the State cannot prohibit acts of this kind and compel the parties to resort to tribunals of any sort instead. It was suggested in the evidence that strikes and lockouts should be illegal and punishable in cases where arbitration had not first been resorted to. But it seems, for the reasons just given, that it is impossible to make strikes or lockouts illegal and punishable in any case, leaving out of consideration such exceptional cases as those of the army or navy, or certain cases especially provided for by legislation, where a sudden strike in breach of contract may involve actual danger to the public. Generally speaking, it may be laid down that the State cannot compel parties to submit to arbitration matters upon which they have a perfect right to take their own line, and it cannot compel either employees or workmen to carry out, by way of specific performance, an award as to wages or other terms of service. For these reasons the Royal Commission on Trade Unions of 1867 appears to have decided rightly (while warmly advocating the extension of voluntary arbitration) that no 'system of compulsory arbitration' is practicable."

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It may seem that the doctrine of the impossibility of punishing men for engaging in strikes and lockouts, here laid down, is somewhat too broad in view of the proceedings upon the charges of insurrection and conspiracy now pending before the United States courts. It does not seem decorous to comment upon these charges prior to their judicial investigation, which will probably be of the most exhaustive character. But we may observe that Judge Grosscup charged his grand jury that insurrection existed when the civil authorities were "inadequate" to put down resistance to law. If reluctance to act constitutes inadequacy, insurrection doubtless existed in Chicago; but it is not clear that the police of that city could not have put down resistance if they had had orders to do so in the first place. A very small force of disciplined men can suppress disorder if it is understood at the outset, by the community, that they are to use their arms in doing so, and if the very first attempts at riot are promptly met. It is only when the conviction spreads that there is to be no shooting that the criminal classes turn out in force. It is the part of mercy as well as wisdom, if rioting is to be stopped at all, to stop it at the beginning, and not wait until it cannot be stopped without bloodshed.

As to conspiracy, it is obviously a difficult thing to make it clear just when an act that is not criminal when committed by an individual of his own motion becomes so when a number are involved; and prosecutions for conspiracy are very formidable proceedings. If, as I maintain, the overt acts of obstructing the mails could have been checked by the officers of the law, and if, in general, these officers, when properly directed, can repress lawlessness, it does not seem worth while to raise the question of conspiracy. While there is an evident lack of genuineness in the hysterical shrieks of the Union leaders over "the iron heel of corporate tyranny," it should not be forgotten, in the exasperation of the moment, that poor workingmen have a feeling that their lot is not all that they could desire, and that it is natural and proper for them to meet and discuss the means for its improvement.

We are in the habit of saying that, in a government such as ours, the people must be educated, and of supposing that the necessary education is to be had in schools. But experience keeps the only school that most people learn practical wisdom in, and it is by forming trade unions and trying what they can accomplish that workmen learn the nature of law, the powers of government, and the funda-

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mental principles of political economy. They have now learned that such a strike as that of the American Railway Union must necessarily fail. They have learned that when the police and the militia fail to preserve order, the United States forces can be called in. They have found that while the great body of the people have kind hearts and are glad of the prosperity of laboring-men, they do not sympathize in any attempts to promote this prosperity by interrupting all industry and destroying property. They have ascertained that in order to succeed in an organized attempt to arrest all trade it is not enough to be assured of the sympathies of a mayor and a governor, but that they must have upon their side also the President of the United States. The cost of this education has been considerable, but it seems probable that the lesson would have had to be learned sooner or later, and upon the whole the present time was the best that could have been selected. The rights of action possessed by associations of workmen, having received this practical definition, are not likely to be immediately exceeded again; and we may well remember, therefore, that laws tending to limit the freedom of workmen to form such unions as they choose, and to utter their complaints and aspirations, are questionable. If we are able to suppress overt acts of rebellion and anarchy, we need not concern ourselves about imaginations and conspiracies; attempts to suppress which frequently intensify the evil at which they are aimed. I will only add, concerning the exercise of the force of the general government, that it has increased confidence in the stability of our institutions, by revealing the power of the President to use the arms of the nation in suppressing lawlessness connived at or condoned by State authorities. This is a distinct gain; but it is not to be forgotten that we might have had for a President such a man as the people of Illinois have for a Governor, and that the true cause for exultation is the universal outburst of patriotism in support of the prompt and courageous action of President Cleveland in maintaining the supremacy of law throughout the length and breadth of the land,—in establishing the *pax Americana*.

The claim will doubtless be made that, even if the measure resorted to by the striking workmen was improper, their aim was commendable. But that aim was either the specific one of inducing the Pullman Company to pay higher wages, or the general one of protesting against the present constitution of society. Upon the facts as they have been stated without contradiction, the attempt to make

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any employer pay wages for producing things which he can only sell at a loss is not commendable. It is a ruinous policy, not only for him, but for the community, including the workmen, and would quickly bring production to a standstill. As to the general aim, there is more to be said. The parable of the persistent widow and the unjust judge is not without modern bearings. The Irish Nationalists undoubtedly secured attention to their grievances by obstructing the business of Parliament until the nuisance became intolerable. The coal-miners of England recently secured concessions from their masters that the latter could ill afford to make, by so prolonged a disturbance of the peace of the nation as to make the affair a public scandal. And if there is any hope of hastening the millennium of the socialists by such agitations as we have just witnessed, those who believe in this millennium are certainly not to be blamed should they even suffer martyrdom in the cause.

We have therefore come in this country to a parting of the ways. If the present constitution of society is thought wrong, let all those who believe so stand with the American Railway Union and reform our institutions. Let those who believe otherwise show their strength, and let the question be decided. The incessant snarling and yelping of demagogues at capitalists and corporations is not only tedious but mischievous, unless capitalists and corporations are to be done away with. These attacks frighten foreign investors out of the country, and they frighten home investors into hoarding their money. No one can contend that any immediate good comes to men that live on their wages from either of these results. Nor can any ultimate good come from them unless a social revolution is at hand. If it is not, then the interest of workmen is promoted by the accumulation of the greatest possible amount of capital. The more there is of it, the greater will be their share of it. Our rich men no sooner make money than they hasten to invest it in new enterprises, which increase the demand for labor and the rate of wages. If they make money in these enterprises they reinvest it with the same results. If their enterprises fail, it is they that bear the loss, and not the laborers to whom they have paid wages. This is the present constitution of society. Under it the condition of workmen has vastly improved. Possibly under some other constitution this improvement might continue; but it cannot continue under the present constitution unless confidence in the durability of that constitution and in the good sense of our people also continues. D. McG. Means.

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PUNISHMENT OF ANARCHISTS AND OTHERS.

ONE of those sentences of Herbert Spencer which illuminate great and often new vistas of thought, is to the effect that human punishments should not be mere arbitrary impositions from outside volition, but should be as nearly as possible like Nature's punishments—the direct consequences of the acts themselves.

Certainly our system of punishment could not easily be farther than it is from realizing these conditions, and any one getting a glimpse of what the conditions involve will at once be inclined to attribute much of our failure to that fact. With exceptions yet so small as to be scarcely known except by the few interested in the subject, our methods of dealing with the criminal are mere survivals of ignorance and barbarism.

The earliest notions of punishment came from the savage impulses of revenge. The relatives of a murdered man were expected to destroy the murderer. At first, the crime was not even recognized as a crime against society, or against "the king" as representing society. And even when such recognition began to appear, society was supposed to exact "an eye for an eye and a tooth for a tooth," or even a money compensation; some such rude idea of "justice"—*i.e.* of counter-balance—having from the beginning generally accompanied the idea of revenge. This was one of the many tributes that the world paid to the law of equilibration thousands of years before the law was formulated. As society grew older, the idea of revenge faded, and the idea of deterrence of others through fear of similar punishment became prominent. In some crimes, however, especially those of anarchy, public punishment is now suspected of causing more imitation than deterrence.

Another important change has come, in men's convictions regarding the criminal's experiences after death. There has been an enormous increase—whether correctly or not—in the belief that too little is known about this subject to justify taking it into account in practical legislation. The conviction that death launched the criminal

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into an endless hereafter of misery certainly prevailed when the death penalty was much more readily inflicted than it is now, and for vastly smaller offences. That conviction undoubtedly was supposed to add a deterrent effect to the punishment. This was probably another error: for even now, when the belief is so much less general, the vast majority of malefactors still profess to entertain it; though, with the logic of low minds, many probably hope to escape the punishment after death, by a religious "conversion" during the interval between the crime and the penalty. The growing realization of the absurdity of such "conversions" is another of the causes which have helped to bring the old ideas of "punishment" out of date.

But this last change of opinion is only one of those that have resulted from the general revolution in thought effected in the last fifty years—a revolution which is, in all merely intellectual respects, the most important in human history. Regarding the criminal, as regarding everything else, we are no longer restricting ourselves to moralizing and speculating and consulting the opinions of the Hebrew prophets and the mediæval saints, but we have begun *studying* him. And our fundamental discovery is one at least as old as Solomon, namely, that the criminal is a fool. The ancient discoveries of a truth, however, generally differ from the modern discoveries of the same truth, in the fact that they spread it over less ground. Our revolutionary discovery regarding the criminal is, that, in our times at least, he is *intellectually* a fool: in the good old times, he was merely morally a fool. The fact that honesty is the best policy, though fitfully implied through the Bible, seems to have had very little effect till after the Reformation, and not to have been definitely put on record before Cervantes. But the growing realization of the fact, and perhaps the growing inconveniences of being dishonest, have, aided by a host of other agencies, brought the world to a stage where, roughly speaking, only the fools condescend to be criminal. Anybody familiar with court-rooms and prisons will testify that, with rare exceptions, this is true. He will testify also that the criminal's weak intellectual capacity is generally accompanied by, as it is presumably largely the consequence of, poor physical capacity. Special students have found that these weaknesses are accompanied by many other peculiarities, such as poor sensibility to pain, and, of course, poor sympathy with it in others. The aggregate of all these peculiarities is, with considerable success, already located in a "criminal

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type," and this "type" is found to be inherited and transmitted. The study is of course new, and some of its generalizations are yet crude, inconsistent, and extravagant. But the main features here set down can be relied upon, despite the fact that the turning up of an occasional robust and intelligent criminal tempts people who hate science (and there are people born that way, just as there are people born criminal) to deny them.[1]

Now the criminal is stupid and ignorant and puny partly because he is poor, and he is poor partly because he is stupid and ignorant and puny; and it occurred to Doctor Way, at the Elmira Reformatory, that if he could give the criminal food and light and air and soap and massage and sleep and exercise,—even if giving him so many things should leave him no time for catechism,—he might become less of a criminal. Accordingly he took a dozen of the very worst specimens there, had all these conditions of physical well-being carefully and regularly administered to them,—more regularly, carefully, and bountifully than it was possible, with the means at command, to give them to the prisoners in general,—and he recorded the results by the system of "marking" for morals, manners, work, and studies, that had been elaborated at the institution. The men soon began to improve in all ways, intellectually and morally no less than physically; and their ultimate rise, as compared with their fellow prisoners whom it was impossible to treat with the same attention and profusion, was astonishing. The details can be found in the Elmira reports.

All this has given an enormous impetus to the hope of reforming the criminal, and has given the final blow to the old ideas of revenge and offset; and, for the idea of letting the "degree" of punishment depend upon the "degree" of crime, it has substituted the idea of letting it depend upon the degree of *cure*, as experiment may find it necessary. With some students of the subject, a logical inference is: If the necessary degree of cure is found to be impracticable, the only rational course is to put the patient out of the way altogether, provided you cannot remedy the danger or confine it where it will not be a danger, or provided either remedy or confinement costs more than it is worth. But to hang a man, or even to "electrocute" him, for any other reason, as we have been doing from time

[1] Should the reader new to the subject be interested to pursue it farther, he will find the best introduction to it and its literature in "The Criminal," by Havelock Ellis.

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immemorial, is barbarous; and, some would say, worse than barbarous—stupid. In detail, the most enlightened opinion now is that where, as in most cases, there is any visible hope of the criminal being fitted to return to society, he should be shut up, not necessarily for ten days or ten years, but on "the indeterminate sentence"[1] as it is called—until he can be discharged cured with a certificate that he is proved to be an honest man. Such a certificate might be of some use as a business recommendation, instead of being, like the discharge after the present arbitrary term of demoralizing imprisonment, a barrier to getting work. But if experts (not a "jury of his peers"), on due examination and experiment, pronounce the criminal's case hopeless, many students believe that he should be mercifully "removed," and that his removal would be under a natural warrant stronger than the warrants for the sacrifice of the righteous in war, and of the criminal on the gallows. They believe, too, that this removal should not be hampered by fine-spun questions of sanity or insanity. The modern elaborations of the insanity-plea are opening people's eyes to much irrationality in the admission of that plea in any cases but those where there is no room for reasonable doubt; and are spreading the conviction that insanity should not be a defence unless both sides admit it.

Yet the idea of extirpating by death all irreclaimable or specially dangerous criminals—of ridding the community of any life which cannot be reasonably hoped ever to constitute anything but a danger—may at first sight seem less civilized than the present method of limiting the death penalty to only three or four crimes (though it is theoretically extended to *all* who commit those crimes), and of going into fine-spun questions of motive and of degrees of responsibility—into such farces as the insanity-pleas in the trials of Guiteau and Prendergast,[2] and even—final absurdity!—of permitting the punishment to depend upon the result of the victim's injuries. There are sentimentalists who argue against vivisection; but, for that matter, there are others who argue against the alleviation of pain;

[1] The really indeterminate sentence has never been tried. The nearest we have got to it is imposing the maximum limit, with an indeterminate minimum left to the discretion of the authorities of the reformatory. Consequently many a man is discharged before they find him fit to be.

[2] An expert for the defence in Guiteau's trial told me that his execution was the first on record of an unquestionably insane criminal. The expert was probably not correct. But if he was, some not unmerciful people would say that it proves an advance.

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and of course both sides, with not a few reasoning beings, oppose the severe method for the alleviation of human misery here alluded to.

This method is certainly vastly at variance with the legal maxim, "Better that ninety-nine guilty persons should escape than that one innocent man should suffer." But is it more cruel? Is not ninety-nine a good many? Does not the escaping of a single guilty man raise a strong probability that, through his future crimes, *more* than "one innocent man" will suffer? Is it not a moderate statement that the escaping of half a dozen guilty persons makes a certainty that some innocent will suffer; and that the escape of the ninety-nine guilty ensures that more than a dozen innocent will suffer? Have not nearly all the worst criminals convicted been previously convicted of other crimes? "First offences" are a small portion of the cases tried in our higher courts; second offences are more frequent; third offences abound; and even after the third offence has demonstrated that the offender is simply a wolf in human form, he is turned loose again, to continue wreaking evil on the innocent, unless his offence be of the "degree" leading to his extermination, or unless our absurd sacrifice of the prospects of many people certainly innocent, to the barest chance that one is possibly innocent, shall fail to prevent conviction. It may not be justifiable to hang him as long as there is a visible chance in his favor; but even if he be innocent of the immediate charge, if he is proved a hardened criminal, there is no visible chance in favor of starting him afresh in his career. Instead of such a case being summarily determined, and the rule of "twice in jeopardy" protecting the prisoner ever after, he should at least be subject to later indictment if new evidence should appear.

Moreover, as against the charge that the modern idea of extirpation is a step backward toward cruelty, comes the fact that not only are the spiritual terrors of death very much less "cruel" than they were in *really* "backward" times, but that its physical terrors are infinitely less so. Death is now painlessly inflicted even on those who, in the very days when many of our distorted ideas of mercy were evolved, would have been condemned to all possible torture.

One reason of the one-sided over-tenderness for life is the vagueness and sentimentality and exaggeration, mainly the work of the French writers, that surround the doctrine of "rights." It is a true commonplace that rights involve duties, especially the duty of using your own so as not to interfere with a neighbor's use of *his* own.

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A man's right to his life is perfect only so long as his life is not detrimental to other lives; but as soon as it becomes more of a curse than a blessing, the right is gone. There are circumstances under which a worse than useless life may be conceded as a gift, and where not so to concede it would be selfish and revolting to the last degree:—for instance, in the case of the innocent afflicted and aged who are dependent on their kindred, or even on the community. I have in mind now a painful and useless life whose preservation has absorbed the effective years of one whose career, at its opening, touched wide usefulness and ease and fame: yet I am not prepared to argue against the sacrifice, though it was the loss not only of the devoted one, but of the community. But when the afflicted are *not* innocent (in the sense of innocuous), when their lives are not only a misery to themselves, but a constant danger to lives that owe them no obligation, and that are happy and useful, the preservative sentiment that, in the first case, has all the beauties of self-devotion, has, in the second, the loathsomeness of sentimental suicide. Where such preservation of the worse than useless is carried on in constant danger to the innocent, at the expense of the state,—in money, in time of police, judges, and juries,—the preservation is foolish and destructive.

Moreover, if you merely confine your dangerous prisoner, he is apt to escape. A large portion of the most terrible crimes have been committed by escaped prisoners and discharged lunatics, whose lives had been sentimentally preserved, generally at the state's expense. For a community to wait for actual murder before taking a really dangerous life as the only real means of defence against it, especially when in war, and often as a matter of mere sentiment, it demands the lives of its bravest and best by the hundred thousand, is an absurd inconsistency. Another inconsistency equally absurd is to ask any questions beyond "Is this life a public danger?" If it is, why bother with the motives which make it a danger,—with questions whether the crimes already indicating the danger were committed in spite of intelligence, or in the absence of it? From one point of view, the final absurdity lies in the fact that, in extreme cases, if there is intelligence, and therefore something which may possibly lead to future well-doing, the criminal is put to death; but if there is hopeless insanity, and therefore no chance of future well-doing, the criminal is permitted to live.

These incongruous notions of the sacredness of mere life—life even though it be an unmitigated curse—had, like hosts of other worn-

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out superstitions, their value in days when there was little but superstition to restrain the cruel. But in these days, when the impulses of gentleness and the defences of law are carried to an extreme, such notions are mere survivals—superfluous and obstructive. To take a noxious life is no more stimulative of cruelty than to extirpate a tumor.

But after all is said, the idea of extirpation, even by painless death, is so new, and the superstitious regard for even deleterious life is so old, that some writers stop their logic half way, even at a stage considered by many more cruel than the final one. Mr. Boies, for instance, has suggested, with no little approval and no little disapproval, an idea that had occurred to many, and been by many left unexpressed as impracticable—not the direct extirpation of hopelessly criminal life, but its indirect extirpation by depriving the criminal of the capacity of procreation. The old method of killing him at once is more logical, and perhaps more merciful; but it needs to be applied with both wider and closer discrimination than is yet the custom. Heretofore its application has been merely brutal; it is time it became intelligent.

And it seems by no means certain that administering death in all dangerous cases where reform seems out of the question, but *only* in such cases, would increase the number of death-sentences. Many a murderer is now executed when the circumstances by no means indicate his hopeless depravity. Tess of the d'Urbervilles does not lack actual prototypes. It is stupid that the only question in such cases is: "Has the prisoner committed murder?"—not the rational question, "Is he likely to commit murder again?" I admit, however, that the presumption is generally largely against him, and also that where there seems any hope of his thenceforth leading a life worth-while, he is often given at least a chance of leading a life not worth-while, by his death-sentence being commuted to imprisonment for life. But in any case where death would be stupid, imprisonment for life is more stupid still. I learn from an expert that the most orthodox of the prison authorities think the murderer's soul has a better chance if it is started promptly after being duly shrived, than if it is long subjected to the demoralizing influences of prison life. To those who profess no such knowledge of the chances, however, the only question is whether he has any such chance of reform that the world we have some experience to judge of will be better off with him than without him. That being determined against him, his speedy death is the

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only reasonable consequence. It is as illogical to respect life when it displays the vices of a Santo or a Booth, as to destroy it when it displays the virtues of a Carnot or a Lincoln.

Yet, it is almost superfluous to add, civilization requires that it should not be taken cruelly, secretly, and by arbitrary will; but mercifully,—perhaps in the lethal chamber rather than even in the electrical chair, with public knowledge, though not with public display, and in careful conformity with studied law.

A corollary of Spencer's proposition regarding punishment, noted by Spencer himself, is that human punishment should be as *certain* as Nature's punishments. Nature is not always severe, but she is always absolutely inexorable. The lack of this quality in the state is a constant invitation to public violence. In any wrong-doing more formidable than that of some poor individual sinner on whom the government can fling its myrmidons, its policy is generally temporizing, shifting, often cowardly. If there is a strike and destruction of property, with murder of men trying to protect it, or of others trying to get work, the state usually sends half force enough and instructs them to handle the affair with kid gloves. The mailed hand, and prompt at that, would be much more merciful.

Yet it will not do to say that in the anarchist matter there has been no courage in high places—not after that magnificent spectacle, the other day, of Casimir-Perier walking alone and unguarded by Carnot's hearse; but even such a spectacle as that, while of untold value in inspiring the virtuous, and perhaps not altogether lost upon the vicious, nevertheless cannot affect these latter like the grim certainty of unsparing fate working under the form of law, quietly, inevitably, remorselessly, like some ponderous and irresistible machine. The fanatic it will not deter, nor will anything but force directly applied in *anticipation* of his act; but it will deter many from becoming fanatics.

Regarding anarchy, however, there has been too little such deterrence. Since the first noticeable enunciation of anarchic doctrine by the charlatan Bakounine about 1840, there seems to have been no preventive legislation against anarchism *as such* until the propositions of exile in Italy and Germany after the assassination of Carnot. Whatever crimes have been committed by anarchists have been "punished" or left unpunished, just as if they had been committed by anybody else. The nearest to logical treatment, so far as I know, was the expulsion, but after the act, of some anarchists from Switzer-

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land in 1883; and even after the violence of that year, Grévy pardoned Cyvoct, who was condemned to death for blowing up the Bellecour playhouse. Still less has there been any attempt to make "the punishment fit the crime," in Spencer's sense, whether the crime be anarchy or anything else. The only ruler on record into whose head that principle seems, so far, to have made its way, is the "Mikado" in Gilbert and Sullivan's opera, and if even the present movements toward exile are made with any more philosophic relation to the anarchist's peculiar case than the cat-o'-nine-tails would have, the fact has not yet got across the ocean.

At last I hope, as doubtless the reader does, that we have arrived at our principles to apply to the case of the anarchist. And first, as to the luminous principle supplied by Mr. Spencer,—that his punishment should be as nearly as possible the direct consequence of his own acts,—one application is so obvious that probably it has been indicated many times before; and yet, in more than the average reading on this class of subjects, I have not seen it explicitly stated. It is merely this: since the anarchist acknowledges no duty to government, he can claim no rights from government: consequently, when a man is duly convicted of anarchistic sentiments, let the government at once announce that it no longer extends its protection to his person or property,—that he is an outlaw, with no defence but his own strength against any hate or greed of which he or his may be the object.

Before proceeding with the question, let us recognize that punishment for mere expression of opinion of course invites the shallow criticism that it attacks freedom of speech. But the party that killed the editor in Leghorn the other day, are hardly the ones to claim freedom of speech. Besides, we have sanctioned its withdrawal in less dangerous causes already; and there never yet was any government, not even our own, which permitted absolutely unrestrained speech under all circumstances. In times of peace, the right to criticise the form and methods of government is not questioned among us; but that does not include a right to agitate for the destruction of all government whatever, even in time of peace. And with anarchism, there are no times of peace: all times are times of suppressed war, liable to break out at any moment (*cf.* Mr. Schwab, *infra*). War-times are never times of *constant* fighting; and, whenever enemies are at hand threatening battle, it is war. Hence freedom of speech cannot be claimed for the anarchist as one of the rights of freemen in times

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of peace: he is not a freeman, but a self-declared outlaw, and he also himself declares that there are for him no times of peace.

When you know that he is talking, it is absurd to wait for him to act. You might as well wait with his bomb lying in the street under the horses' feet, to see whether it will explode; and so with dangerous criminals in general. Yet numbers of them—anarchists and all—are at large everywhere, recognized by the police every hour, the community simply letting the bombs lie, on the chance that after all they may not go off; and that, too, out of tenderness for the bomb, or—the possible innocence-plea—on the chance that it may not be a bomb at all.

To return to the proposed safeguards: the suggestion of putting the anarchist's property in peril by outlawing him may seem a good deal like the suggestion of imperiling "the coast of Bohemia." But he is not always without property. Here is an interview from the "New York Times" two days after Carnot's assassination:

"'No blessed news to me; such is war, such is war,' remarked somewhat regretfully Justus H. Schwab, in his lager-beer saloon, 50 First Street, yesterday.

"Schwab, the blond and curly-headed apostle of Anarchy, is a comfortable-looking person, six feet tall and an eighth of a ton in weight. He is domestic, and his wife calls him 'papa.' They have four bouncing big children.

"When Schwab talked about the assassination of President Carnot he sat under the blackboard on which society notices for his patrons are posted. On the board is printed, '*Labor Omnia Vincit.*'

"'Yes,' he continued, 'they sowed the wind, and now they reap the storm. Yesterday General Tarsney was assassinated; yes, mark the word, assassinated. To-day it is Carnot. To-morrow—well, I will not predict. Society has warred on us; we retaliate. We have our revenge.'

"'War is not a pleasant occupation.'"

Mr. Schwab, then, has property under the protection of the government that he thinks should be non-existent, and property of a kind that would be peculiarly subject to the attacks of the unrighteous if government protection were withdrawn. The anarchist declares himself the hoodlum's rightful prey. A little experience might teach him that government has its uses after all.

But a proposition may be perfectly logical and yet leave out essential elements of the case. In matters as complex as those legislation deals with, this is occurring all the time, and statesmen affect the "practical" rather than the "philosophical"—generally preferring a rule-of-thumb discussion of the circumstances, to merely following the most beautiful of principles. The two methods should be, and often are, combined. In the present case, it is perfectly legiti-

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mate to question whether, whatever would be the results of outlawry, they could counterbalance the state's winking at individual violence —whether such violence, once sanctioned, would be apt to stop at the objects where the state sanctioned it. In the first place, let it be remembered that it would not be "lawless" violence, not a case of "the citizen taking the law in his own hands"; next, the sanctions against violence toward anybody but the anarchist would remain the same as now; and finally, in practice, the penalty of outlawry would probably be followed by few direct consequences to the anarchists themselves, but would be mainly useful only as an educating deterrent. It would, however, probably not have force enough upon natures impervious to reason, to justify leaving it to stand alone, and, consistently with Spencer's principle, government can go farther than outlawry, and sentence to exile. The anarchist proclaims himself an enemy of the state—ready to proceed to, or at least to encourage, any degree of violence. The absurdity of any community harboring such an enemy needs no demonstration. Do not unload him on other civilized communities, but warn them of his character; give them his photographs, measurements, and finger-marks; and force him to the place that he has chosen for himself—outside of organized society. This would at first seem to render a statute of outlawry superfluous, but that statute would not only have its educating effect, but would help enforce the sentence of exile. These penalties, be it remembered, are an entirely natural consequence of anarchistic views.

But outlawry may not be a strong enough sanction to enforce the exile. We have no Siberia for such cases; and, if we had, they might be nearly as troublesome there as at home. If outlawry fails to keep the anarchist in exile, shall the sanction be confinement or death? With reference to this question, let us consider for a moment what the anarchist is.

It has been said that he differs from all previous political assassins in that he acts not from discontent with persons or dynasties, but from something extending over the civilized world that has even been called "a *philosophy*." That is a very big name for a very small thing. Anarchy is simply one form of the wide-spread social discontent. One man, lacking the ability or energy to produce a comfortable livelihood, attributes the fault to the laws of trade, and becomes a protectionist; another lays the blame to the laws of finance, and becomes an inflationist; a third attributes his failure to

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the laws of production and distribution, and becomes a socialist; and the fourth takes the widest view, lays the fault to law in general, and becomes an anarchist. These statements are true despite the fact that men belong to each school from a variety of motives other than those just stated—despite the fact that among even capable and educated men each school has its adherents.

Yet the social discontent, with all its terrible results, is a not altogether hopeless phenomenon. It shows that the people whose lot is hard, instead of remaining in the slave's hopeless or stupid indifference, are at last waking to some desire for better things. Our neighbor who is trying to learn the trombone suggests many interesting facts, but among them is the one that he must have *some* music in his soul. But when this stirring of the soul begins in a person with not only the mental obliquity referred to, but also a bloodthirsty disposition, it throws over his bloodthirstiness a false glamour of philanthropy and—I had nearly written—patriotism; but patriotism is inconceivable without a state, and a state is inconceivable without a government. Yet such little inconsistencies do not trouble the anarchist, and he is probably ready to pronounce himself patriotic.

Now (to interrupt the argument a moment) this sort of emotional craze is very contagious, especially among the young and—it is not too much to say—the generous: the anarchist murderers have nearly all been very young, and amid all their vanity, ferocity, and cowardice, there has sometimes been a gleam of self-devotion. To protect against that contagion is one great argument for measures repressive of mere anarchist agitation. If the statutes held constantly before every youth the perfectly irrefragable argument that anarchy is self-imposed outlawry, it would do much to render his mind impervious to the sophisms on which anarchy rests.

Generally the first step in insanity is the giving of undue importance to one idea—monomania, in a word. While the sanest imagination may look forward to a time when government restraints will be superfluous and poverty unknown, an absolutely essential element of the picture is human nature evolved beyond criminal dispositions and beyond the present general incapacity to produce an easy livelihood. While the "intellectual anarchists" and "Fabian socialists" see this essential element with more or less distinctness, the out-and-out anarchists and socialists ignore it altogether: their monomania, so far as it is definite and congruous, is that dazzling picture; they do not even stop to think whether its speedy realization is practicable,

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but some of them pursue the vision by any crime, through any danger, over any precipice.

As religion is rapidly finding its true field in conduct and sympathy, irrespective of dogma and beatific dreams, the born visionaries are putting the social dreams in the vacant places of the religious ones; and they are setting up their confessions of faith equalling in absurdity any mediæval dogmatizing; not only producing, in the Krapotkines and Récluses, doctors of their cult as eloquent and absurd as those whom they have replaced—but also in the Ravachols and Santos reproducing the Gérards and Ravaillacs. Religious conflicts were the most comprehensive ones of the Middle Ages. Modern times have developed the broader one of social and anti-social. *Allowing for the difference, the anarchist is simply the* modern form of the murderous mediæval religious fanatic.

Can you cure him, and can you safely attempt to? You surely cannot tell till you try, and each particular case is a question for experts. But how, out of the ignorance and corruption of American politics, are you going to get your experts? Rough tools can do only rough work. The anarchist's remedy is to destroy the tools; the socialist's is to attempt with them the most delicate work, ignoring the inevitable destruction of material and waste of time; the reasoning being's is to attempt only such work as the tools can do. That work falls far short of reforming the anarchist. There may be an occasional young and susceptible case which, if there were any way of getting at it and handling it well, would yield to treatment, but we are at least a generation behind any such way.

If it were reasonable to give the anarchist a chance, of course the indeterminate sentence and the methods of Elmira would be the ideals—*pace* the politicians and sentimentalists conspiring against Mr. Brockway, and, for that matter, *pace* Mr. Brockway himself: for in case, as is extremely improbable, the politicians and sentimentalists have for once blundered on a true scent, the principles are already proved ideal, whether the man is or not. But for the anarchist, the ideal can hardly be hoped practicable. Not a little that I have said may seem like a leaning toward mercy, and so it is—but toward the mercy behind the surgeon's knife. Eradication is the only cure; and delay, even hesitancy, is cruelty. If you put him in prison or asylum, there is no sort of security that he would stay there. If there be here and there a thoroughly reconstructed man work-

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ing out a long sentence, the fact is a shame, and the idea of keeping a cured man shut up, especially in an asylum, is intolerable. It is a peculiarity of the anarchist's case that his own opinion regarding his cure is the only one that can be taken. But to take that is practically impossible. His disorder does not prevent dissimulation, and all that he has to do is to profess a change of heart and stick to it. To entrap him, through argument, irritation, surprise, or espionage, into a statement of his true sentiments, would often be impossible. Remember how Gérard dissembled, though before his crime. It may be urged that the anarchist often scorns dissimulation, and is often rendered incapable of it by the ferocity or exaltation that seems unloosed by his crime. But if you wait for that, the damage is done. Before he gets so far as actual violence, your anarchist may be the mildest-mannered man that ever cut a throat or scuttled a ship. But that is the very time to shut him up: it is too late when his ferocity is unloosed. Yet see the paradox—before his ferocity is unloosed, it is wasted trouble to shut him up, because he can dissimulate himself out; but to wait till his ferocity is unloosed, is absurd. Hence it is ridiculous to depend upon shutting him up at all. Why temporize, then, with confining him at public expense? He has no claim to support by the government that he denies, whatever claim other criminals and lunatics may have; and his insanity is not of a kind to temporize with. It is one of the kinds that, as defences, fairly fall under the maxim *de minimis non curat lex*, and there is at least an open question whether euthanasia, guarded by reasonable restrictions, is not the best remedy for all dangerous kinds. Against the possibility of recovery must always be set the fearful tragedies that have resulted from waiting for it; and we should bear in mind that euthanasia, in the modern sense, was unknown when our systems of jurisprudence were established.

Outlawry and exile failing, and confinement being demonstrably impracticable, there is nothing left but to kill him. The only question is whether we shall wait for him to kill somebody else first. The idea of death as a preventive of future crime, instead of as a punishment for past crime, revolutionizes all our inherited principles of punishment; but it is not inconsistent with the new principles. It should be borne in mind, however, that the failure of *prospective* death as a deterrent is not yet completely demonstrated, because part of the anarchists' mania is a lust for spectacular effect that has here-

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tofore been pandered to by public execution; and private execution has not been tried. Yet the executions at Chicago, though fully reported in the papers, were not public shows, as those at Paris have been; and it is worth noting, though it hardly proves much, that the Chicago executions have not been followed by repetitions of the crime, while the Paris ones have. Nevertheless our conclusions must be to some extent hypothetical on that point. If he can be extirpated by exile, well and good; but effective exile can be applied with fair notice that, if the anarchist is seen here again, death will follow. Then there can be no question of its justice.

Let the state, then, say to the professed anarchist, without waiting for him to commit his murder: "You have abandoned the right to stay among us. We have no desire to take your life; but we will not have you among us. Go elsewhere, and use whatever chances you may have. You prove yourself not fit for human society, and we shall, as a matter of decency, notify all organized societies of that fact. If you come back here, we shall kill you. If you go there, they, if they are wise, will do the same. Your only possible home is your only fit home—the wild and desert places of the earth, with the other beasts of prey that man has not yet exterminated."

HENRY HOLT.

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CRIMINAL DEGRADATION OF NEW YORK CITIZENSHIP.

We are slowly discovering in this country that it will not do to put too implicit a faith in our institutions. We are learning through bitter experience, and costly withal, that a democratic form of government is no better than an aristocratic or monarchical form as an insurer against our human nature; that government of any kind is merely a machine, which must have machine tenders; that, if these do not do their duty, the machine will either not go at all, or become an engine of destruction; that it is impossible for them to perform their duties if they are ignorant or dishonest. When our fathers devised the primary, they thought that they had provided a plan through which honest and capable candidates would be selected, for they assumed that American citizens could be counted upon to be true to the trust imposed by their citizenship. We, however, forgetting that the primary is itself a machine, which in turn needs proper men to tend it, if its operation is to result in the selection of the right persons to administer the government, have thought that we could go our ways, some to their farms, others to their merchandise, and while we were absorbed in money-getting or in pleasure, could safely leave these two machines to work on under the control of any set of men who chanced along. That which might have been foreseen has at last actually happened.

We are confronted by the fact, if the situation in New York is any criterion, that the administration of our political affairs is largely in the hands of the criminal classes. By "criminal classes" is meant the classes which habitually break the law; not merely thieves, prostitutes, gamblers, and rogues of every hue, but men who buy or sell office, legislation, official action, or protection. The police official who sells police protection (a new form of Papal Indulgence) to a thief, a prostitute, or a gambler, is a criminal. Will any one dare to maintain that the "reputable citizen" who purchases a United States senatorship, or a statute, or the privilege of storing his goods upon the sidewalk in defiance of the rights of his fellow citizens and in plain breach of the law, is not a criminal?

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Into such hands as these has the control of our country mainly passed. The making of our laws is mainly the business of a partnership between the men in office who sell, and the men out of office who buy, legislation. The execution of our laws, or rather their non-execution, is also, to a great extent, a partnership business between the men in office who sell, and the men out of office who buy, indulgences.

Is proof needed for so sweeping an assertion? Read the testimony of the head of the Sugar Trust before the investigating committee of the United States Senate. In the face of that evidence, can any man say that there are no criminal copartnerships in the very highest of political and social circles? Look at the numerous police investigations now going on in various cities of the Union. Take, in particular, the one in New York city by the investigating committee of the New York State Senate. Are we to be blind to the coincidence of two concurrent Senate investigating committees, one of the nation, the other of its most populous State, the one probing for official crime among the upper classes, the other for official crime among the lower classes, and each finding the same thing in both? It will serve the purpose of this paper to dwell for a moment upon the New York investigation, popularly called the Lexow investigation, from the name of its chairman.

The prophecy is of long standing, that if an honest, fearless, searching examination should be made into the government of that city, there would come revelations at which the community would stand aghast. Such an one is at this moment being had of a single department, that of the police, and although it is not yet finished, the prophecy is even now verified. It is of course too soon to know the full depths of our civic corruption. It is not too soon to inquire what lesson should be drawn from that which is already laid bare.

If the testimony of the witnesses is to be believed, there exists in the city of New York a Police Protective Tariff (to borrow the phrase used the other day by a distinguished ex-mayor of New York), the revenues from which equal the legitimate income of the city. These revenues are divided between various politicians in and out of office. The probabilities are that there is a regular ratio of division, a percentage, as is usual among brigands. He will be entitled to great honor who will succeed in discovering how much of the plunder goes to the ward man, how much to the police captain, how much to the inspectors, to the commissioners, to Tammany Hall, to

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the district leaders of Tammany Hall, and to the chief and other officers of that organization. There ought to be no doubt that there is a regular division of profits. Knowledge of human nature is a sufficient guide on that point. As the whole thing is done by "business methods," each man knows the scale of prices, and therefore knows what the revenue is, and will insist upon his share. An illustration of this is found in the well-known rates of division of the pay of the Italian laborers employed by the Street-cleaning Department. They are hired in gangs through padrones. Their nominal pay is $1.50 per day, of which the laborer gets seventy-five cents, and the padrone, the Tammany district leader, and Tammany Hall twenty-five cents each.

It will be profitable to examine in detail the figures of our Police Protective Tariff as taken from the testimony. It will be seen that the duties are both specific and *ad valorem*.[1]

Disorderly houses, initiation fee	$500
" " " " monthly payment	$50 to 100
Concert saloons, unlicensed, per month	$50 to 250
Cafés, unlicensed, per month	$15 to 25
Liquor-saloons (to ward men for privilege of selling on Sundays) per month	$5 to 25
Liquor-saloons, unlicensed (to excise inspector) per month	$5 to 10
"Green-goods" men, according to the number of "turning-joints" [2] per month, not less than	$1,000
"Milk-shake" peddlers, per month	25
Merchants, for illegal use of sidewalk, per year	$25 to 100
Push-cart vendors, per week	15
Peanut-vendors, " "	5
Bootblacks, per year	10
Steamship companies, per month	$10 to 25
Policemen, for appointment	$300 to 400
" " promotion, roundsman	750
" " " sergeant	3,000
" " " captain	$10,000 to 17,000

The foregoing tariff is proved by the testimony of witnesses who for convenience may be divided into four classes, thieves, prostitutes,

[1] This table is not intended as a complete statement of all the trades or occupations, legal and illegal, which buy police indulgences or submit to blackmail, but only of those in which payments have already been proved. The counsel to the Investigating Committee, Mr. John W. Goff, has kindly furnished the figures to the writer.

[2] A "turning-joint" is the place where the substitution of brick or sawdust for genuine bills is made. Each "backer" (*i.e.*, the capitalist) has a number of such places, and in addition to the monthly payments must, if the victim "squeals," divide with the police the plunder which they save him by getting rid of the victim.

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merchants, and miscellaneous persons, including humble folk, "poor but honest," and some neither poor nor honest. Can it be believed? Why not? The implicated officials tell us that it is not right to take away a man's reputation by the evidence of self-confessed criminals. What if the man's reputation is already gone? A witness is often impeached in court by the hearsay evidence that his reputation for truth and veracity is not good, and that his neighbors will not believe him on oath. Thanks to themselves, that is the position our police officials, with few exceptions, occupy to-day in this community. But there is a stronger ground on which to base our credence of these stories. We certainly must believe the evidence of the merchants who swear they have paid the police a yearly tariff. If the police are corrupt enough to accept money from Dives so that he may encumber a sidewalk with impunity, they will surely take tribute from Lazarus to permit him to beg. If they receive bribes from Pharisees, they will exact them from Magdalens.

An ingenious way of increasing the duties under this tariff, without raising the rates by fresh legislation, might be recommended to Congress to be applied to that other great iniquity, the National Tariff. Every once in a while the police captains are transferred to each other's districts, and then the criminal houses must pay over again to the new captain for another "initiation fee." It is worthy of remark that this screw is not turned upon the merchants. The merchants are to be congratulated that, in the eyes of the police officials, they are not quite so criminal as the prostitutes.

In all this sickening mass of corruption, what is the one thing that stands out as an appalling fact? Is it that thieves and gamblers purchase, and that the police officials sell, "police protection"? Is it that Tammany Hall district leaders, some of whom are judges, sell their influence to thieves and gamblers? Is it that appointments to office are bought and sold? Such things ought not to cause us to wonder. We have, indeed, known that they exist. They have flourished in other countries. We are no better than the rest of the world. We have been aware that judgeships in our high courts have been bought and sold for years: why should we carp at the sale of a police appointment? No, it is not at such revelations that we need pretend to be shocked, now that they are established by evidence. This inquiry has disclosed the terrible fact that the quality of our American citizenship is being destroyed in the race for wealth. The "plain people," as Lincoln

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called them, the bone and sinew of our country, the respectable, common-sense, every-day sort of persons, who are supposed to do a good deal of homely, vigorous thinking, and who want to do the right thing without regard to parties or policies,—these have not been thought to be corrupt. We have known that our great corporations, guarding large interests, have bought legislative favors. But now we find that our "respectable tradesmen," our "reputable merchants," have taken to buying police favors. The former was, so to speak, a local sore, and, however bad, did not, so long as it was confined to the few, threaten the nation's life. The corruption of the plain people, if widespread, is a disease of the heart. Rather than submit to an unlawful tax by the foreigner, our fathers tumbled chests of tea into the harbor. We bribe our police to protect us while we, in violation of our own just laws, pile boxes of dry-goods on the sidewalks. Let not the sin of this be put off upon the police alone. It is idle to call these payments blackmail. Only the coward or the wrongdoer submits to blackmail. Are our merchants cowards, or are they wrongdoers?

It is to be hoped that the quality of citizenship in New York city, as disclosed in this investigation, is not a fair sample of that of the country at large. New York must, however, look to herself. It will be interesting at this point to quote from a personal letter to the writer, for it will serve to show that this very thing is the subject of earnest thought among her citizens.

"The typical New Yorker seems to be a man who plunges into his business for the sake of making a fortune, and he plunges into it in so headlong a way, with an eye so single to this one purpose, that he sacrifices everything else for it. He argues to himself, consciously or unconsciously, that after a certain number of years he will be able to retire or to do whatever he have it in his mind to do, and that it makes no difference what the intervening years cost him. It is easier and cheaper to pay a policeman or a ward man than it is to take the time from his business or to run the risks of embarrassment to show himself a good citizen. This is really the canker, and in any proper measurement of influences this submissive state of mind is a very much worse feature of our life than the existence of houses of vice and crime. It really is undermining the stalwart, independent American character. If there were not good reason to hope for improvement, it would be perfectly proper to say that New York is a community in which a man with a right idea of citizenship could hardly afford to live. The prodigious significance of this fact does not seem to be realized."

Let the reader also ponder well the words with which this letter ends:

"Any man who is not already committed for some reason to residence in New York would find sufficient cause to hesitate a long time before going there.

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Consider, for instance, a perfectly balanced man who wishes that the moral influences of his life shall count for the most that they possibly can in a perfectly normal way; a man who does not set out to be a missionary and to reform the wicked, but who intends to do some sort of honest work in an honest and manly way, so that everything he does shall have a wholesome influence in his own development and upon all who come in contact with him or with his work; a man who wishes his character and the quality of his work to be things that would stand the utmost scrutiny of his own children; a man who regards citizenship in the Republic as a great privilege and as a great trust,—consider such a man, whose life and principles are not influenced by improper love of money or of position in other ways, and see how he would look at this matter. Such a man would hesitate long before willingly becoming a citizen of this great municipality. He can round out his life a great deal better in some smaller town, rear his family better, live a more wholesome life, and find room for the development of all his faculties. The truth is, what may be called the faculty of citizenship is becoming atrophied in a large proportion of the men in New York—even the best men."

This discloses the reason why it is so difficult to dethrone the brigands who have managed to seize the reins of power in New York. The appeal to rise to a high plane of citizenship is made to deaf ears. Voters are bound to Tammany Hall by ties of direct self-interest, as seekers after office, of contracts, or of police protection, must themselves acknowledge. They have become insensible. They will not consider questions from the standpoint of principle as opposed to party, and they will not consider them at all. Personal convenience outweighs civic duty. That trait of our national character, the dislike of making in little things what we call a fuss, has been treated as if it were a virtue. It was a foible. It has become cultivated into a fault. Said James Russell Lowell, years ago: "I sometimes find myself surmising whether a people who, like the Americans, put up quietly with all sorts of petty personal impositions and injustices, will not at length find it too great a bore to quarrel with great public wrongs."

A true prophecy,—so true, that the word "reformer" is even used as a word of reproach. How often do we hear, of some one who is trying to live up to a high ideal of citizenship,—failing, it may be, but still trying, and doing what in him lies to preserve its traditions in the breasts of his fellow men as well as in his own,—the sneer uttered that he is a "professional reformer." The Senate Investigating Committee's examination has, however, demonstrated one thing—that the time has come when voters must choose between supporting reform or crime. There is now no middle ground. He who is not for reform, stands for crime. He cannot shrug his shoulders and take

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refuge in pessimism. The pessimist is a man whose resolution to act is not equal to his ability to think. A new political force has come into existence most opportunely. All over this land, men of independent ways of thinking, of resolute purpose, men who do not want office, men who are sick of parties, who have learned that each party is worse than the other, men who do not care to what party an official belongs if he will only perform the duties of his office properly,—these men are organizing for the one purpose of obtaining good municipal government. It is to these men that we should look for inspiration at a time when it would seem as if our ideals of American citizenship were to be utterly shattered. Our parties no longer tend to educate statesmen. Our National Congress, our State Legislatures, no longer produce statesmen. The latter, indeed, are nurseries for criminals. The brains and talent of the country stay at home, in private life. They are therefore available for municipal affairs, which have for many years been wholly subordinated to national interests. It is our municipal matters which now demand our best statesmanship. Necessity and invention ever go hand in hand, and just at the time of our greatest peril we find springing up these local organizations intent on solving the problem of good local government. In them will be trained the statesmen of this nation for the next generation. They will keep alive the traditions of the true American citizen. Our citizenship is, after all, not dead, but sleeping.

JOHN BROOKS LEAVITT.

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THE INCREASE OF CRIME, AND POSITIVIST CRIMINOLOGY.

THE two great scourges of humanity are disease and crime, and man's struggle against them forms a notable portion of the history of the race. The advance of science within the last generation has greatly modified and improved the practice of medicine, and it is natural that earnest sociologists should be incited to the endeavor to reduce into something like scientific method the hopelessly empirical and hap-hazard treatment of crime.

The necessity for improvement is admitted on all hands. In 1826 France commenced to collect and publish statistics on the subject; in 1835 England followed the example; and at intervals the other Continental nations have, one by one, done the same. Thus there has gradually been accumulated a vast body of materials for scientific study, and, although comparative criminal statistics are notoriously apt to mislead, the figures show undeniably that, with the exception of the British Empire, society has been worsted in the conflict with its criminals, and that crime has been increasing in spite of perfected police organization and the anxious labor of the tribunals. In France, for instance, from 1826 to 1880, the population grew only from 31,000,000 to 37,000,000, yet the trials for adultery multiplied ninefold, rape committed on children increased from 136 per annum to 809, assassinations from 197 to 239, arson from 71 to 150, infanticide from 102 to 219. The aggregate criminality of Christendom to-day is hideous to contemplate, demonstrating the insufficiency of the existing means of repression and the crying necessity for a change. If we take, for example, homicide, we are told that in the seven years 1881–87, the annual average in some of the leading states of Europe has been:

Austria	689	Germany	577	England	318
Hungary	1,231	France	847	Scotland	60
Spain	1,584	Belgium	132	Ireland	129
Italy	3,606	Holland	35		

—amounting in all to 9,208 yearly; and that, if to this be added the homicides in Russia, Sweden, Norway, Denmark, Portugal, Roumania,

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Servia, Montenegro, Bulgaria, and Greece, the total would be about 15,000. Accurate statistics for the United States are not accessible, but the usual estimate of 3,000 is probably below the truth; and, if we include Canada, Australia, and the Spanish republics of Central and South America, the homicidal aggregate of states professing the Christian faith must be between 20,000 and 25,000 annually. The most deplorable feature, moreover, of this swelling tide of crime is that the increase is specially manifested in the class of habitual criminals, for the convictions for repeated offences multiply more rapidly than those for first offences. In France they grew, for misdemeanors, from 21 per cent of the whole in 1851 to 44 per cent in 1882, and for crimes from 33 to 52 per cent. In Italy they were but 10½ per cent in 1876, while in 1885 they were 34¾. Yet these official figures are greatly too low, for, as relapses are visited with increased penalties, the offender naturally conceals the fact as far as he can, and the means of ascertaining it are necessarily imperfect. Ferri says that by personal investigation among 346 persons condemned to hard labor he found 37 per cent to be old offenders, and among 363 condemned to prison 60 per cent, though the official returns make out only 14 per cent of the former and 33 per cent of the latter.

The causes at work to produce these disheartening results are not far to seek. One of them unquestionably is the marked increase in the consumption of intoxicating liquors which is shown by the statistics of almost every nation. Tolstoï may perhaps exaggerate when he asserts that alcohol is accountable for 90 per cent of crime, and that of women who go astray one-half yield to temptation when under its influence; but the best-informed criminologists ascribe to it a large share not only in stimulating to crime and in blunting the moral perceptions, but also in producing the peculiarly dangerous class of born criminals, who are hopelessly incorrigible. Marro found by investigation among convicts that 41 per cent of them were children of drunken parents, and the incalculable extent to which such hereditary criminality will infect society is amply shown in Dugdale's remarkable study of the Jukes family.

The immense development in recent times of the urban population is another fruitful source of increasing crime, for cities, through their temptations and contaminating associations, are hotbeds of vice. The increase of wealth among all classes is to be reckoned as another cause, for, contrary to the popular opinion, poverty is not an incentive to crime. Morrison tells us that every rise in the rate of wages is

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followed by an increase of offenders, and that the prisons are never so full as in a period of general prosperity and abundant work.

Yet still more efficient than all these causes has been the humanitarian movement which is so marked a feature of the present century. The reaction against the barbarism bequeathed to us by the Middle Ages—a reaction led by Beccaria in criminal jurisprudence and procedure and by Howard in prison discipline—has not been without its serious drawbacks. Punishments have been mitigated, while methods of procedure have been adopted which, in their effort to avoid injustice to the innocent, afford impunity to the guilty, or so protract the trial that the deterrent influence of speedy justice is lost. Garofalo, indeed, does not hesitate to assert that to the popular mind the courts seem devised and conducted so as rather to protect the criminal against society than to protect society against the criminal.

Trial by jury, introduced into France by the Revolution of 1789, has spread everywhere for non-political criminal cases. It is a clumsy device at the best among races trained to its use, and is utterly unfitted to peoples whose sympathies are apt to be rather with the wrong-doer than with his victims, who are easily led away by the rhetoric of the advocate, and who, if we may believe the criminologists, are frequently open to the seduction of bribery or liable to intimidation by the friends of the accused. This induces extra caution on the part of prosecuting officers, who hesitate to try offenders unless they feel a reasonable certainty of overcoming the scruples or the fears of the juryman. Thus in France in 1887, out of 459,319 complaints, 239,061, or more than half, were pigeonholed. Unlike the English, the Continental jury is not required to be unanimous; its decisions are reached by secret ballot, in which a tie acquits and a blank or illegible ballot is counted for acquittal. When, under these difficulties, a conviction is obtained, if the offence is a capital one, the diseased sentimentalism of the age steps in to preserve the worthless life of the criminal. In Italy, no execution, save in the army, has taken place since 1876, and the death-penalty was finally abolished as useless in 1891, as it has likewise been in Holland, Portugal, Roumania, and practically in Belgium and Switzerland. In the other states the following curious table, quoted by Professor Ferri from the Howard Association, shows how tender are the Continental nations in the judicial shedding of blood:

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Country	Period	Condemnations.	Executions.	Country	Period	Condemnations.	Executions.
Austria . . .	1870–79	806	16	North Germany	1869–78	484	1
France . . .	1870–79	198	93	England. . .	1860–79	665	372
Spain . . .	1868–77	291	126	Ireland . . .	1860–79	66	36
Sweden . . .	1869–78	32	3	Scotland . .	1860–79	40	15
Denmark . .	1868–77	94	1	Australia and New Zealand	1870–79	453	123
Bavaria . . .	1870–79	249	7				

British severity, as illustrated by these figures, may perhaps explain how England has held crime in check better than Garofalo's suggestion of the purification of the race by the wholesale slaughter of vagabonds under the Tudors, and by the deportation of convicts to the American colonies in the eighteenth century and to New South Wales in the nineteenth.

This virtual abandonment of the death-penalty leaves to the legislator no resource for the repression of crime but imprisonment in its various forms, and it is employed for all offences, great and small. In Italy, in the ten years 1880–89, the sentences to jail amounted to 1,112,079; in France, for the decade 1879–88, those by the lower courts alone were 1,675,000, of which 113,000 were for terms of less than six days. The prisons thus become nurseries of crime, where trivial offenders are trained to evil courses and are let loose with the taint and disgrace of the punishment clinging to them. At the same time they have lost their former terror for the hardened criminal, for the humanitarian instincts of the age have rendered them abodes far more endurable than the cabin of the peasant or the garret of the workman, to say nothing of the relief from the care of the morrow which oppresses the man who depends on his labor for his daily bread. Even the *bagne* and the so-called galleys are managed on benevolent principles and are regarded by the dangerous classes rather as a refuge in time of need than as a punishment to be dreaded. Coupling all this with the larger gains to be made in a society where the increase of wealth offers such opportunities to the spoiler, we can well appreciate the assertion of M. Tarde that the profession of a criminal offers greater profits and smaller risks than any other career open to the indolent poor.

That some change in the treatment of the criminal classes is a vital necessity admits of no question, and, with the scientific and materialistic tendencies of the time, it is no wonder that the attempt

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should be made to solve the problem scientifically—or at least with the appearance of scientific method. So long ago as 1848 Quételet pointed out the fact that crime is hereditary in some families as scrofula and phthisis are in others, and that the majority of criminals spring from these families, which should be isolated like persons suspected of bearing the germs of contagion. Maudsley in England and Despine in France did good service in defining the more obvious characteristics of the criminal diathesis, but it was reserved for Lombroso to make an exhaustive study of the subject and endeavor to reduce it to scientific accuracy.

Lombroso's "Delinquent Man," of which the first edition appeared in 1876, may be regarded as the foundation of what is known as positivist criminology. By the personal examination of innumerable criminals he identified certain physical peculiarities and anomalies, which he claims to be diagnostic of the born criminal—the man who is by nature irreclaimable and who may be regarded from the start as hopelessly incorrigible. Of these the chief are lack of symmetry of skull or face, certain peculiarities of ears, hands, and feet, scantiness or absence of beard, nervous contractions of the face, prognathism, inequalities of the iris, twisting of the nose or absence of the bridge, retreating forehead, excessive length of face, prominence of cheek-bones, dark color of hair and eyes, while white hair and baldness are rare. He lays great stress, moreover, on tattooing—a practice which he regards as exceedingly symptomatic of criminal tendencies; and from these various external characteristics it is claimed that three types of criminals may be distinguished, the murderous, the violent, and the thieving. For all this there may well be some foundation of truth, but far less than is asserted by the discoverer and his disciples.

In fact, the character of Lombroso's mind is the reverse of scientific: he is imaginative and enthusiastic; and his definitions are so elastic that in one book he classes Charlotte Corday with Ravaillac, Guiteau, and the regicides as an example of hereditary degeneration, while in another he groups her with Paoli, Garibaldi, Gambetta, Marx, Lasalle, and the Christian martyrs. Yet, when divested of the extravagances incidental to overzealous propagandism, there can be little question that in the hands of cautious experts valuable indications may occasionally be had by the physical examination of those suspected of crime. Ferri tells us that the sphygmograph, by which internal emotion can be detected under external impassibility, has served to prove that one accused of robbery was innocent

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of the alleged offence, but guilty of another of which he was not suspected; and that in another case it determined the innocence of a man condemned for life, by revealing a grave judicial error. Yet in looking for practical results we can scarcely feel confidence in the realization of the glowing anticipations of the criminologists as to the benefits to accrue from their science, when justice, as they assure us, will have the aid of surer methods of detecting the criminal by the observation of tattooing, anthropometry, physiognomy, the physio-psychic conditions, the data as to sensitiveness, reflex activity, vaso-motor reactions, the extent of the field of vision, etc.; nor can we reasonably hope that the credibility of witnesses can be absolutely determined, as we are promised, by scientific applications of psychology and psycho-pathology. At all events thus far the main service rendered by Lombroso and his school has been to call increased attention to the class of incorrigibles, the hopelessness of their reform and the necessity of their "elimination" for the protection of society.

Positivist criminology, however, by no means limits itself to the humble function of detecting and classifying criminals. It aims at a complete reconstruction of the whole theory of crime and punishment. It holds that there is no such thing as absolute crime, no acts that are in themselves prohibited by natural or divine law. What we call crimes are simply infractions of the rules which a given social organization at a given period has established for its convenience or self-preservation; and, as social organization changes with the development of civilization, these rules change, so that what is a laudable action at one period becomes criminal at another; there are no crimes on the statute-book to-day which have not been or perhaps now are permissible under social conditions of a lower type, and *vice versa*. M. Tarde points out that of the ten offences which, in the Hebrew legislation, were punished with lapidation, nine are no longer to be found in the penal codes of Europe, and if the tenth one is there it is on account of an entirely different motive. Garofalo even argues that chastity is an artificial and conventional virtue.

Virtue and vice being thus merely the expression of what is useful or hurtful to society in its existing condition, the question of morality disappears. The responsibility of the criminal also is removed by the absolute denial of free will. What a man does he does inevitably, according to the composition and resolution of the various influences acting upon him at a given moment; all living organisms are subject to the same laws, and their actions are governed in the

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same way. From the protozoön or amœba to man, the only difference is that, as we rise in the scale of being, the motives and impulses grow more complex, and man is as much the instrument of the forces acting upon his physical and psychical nature as is the protozoön in its simpler organization. Moral responsibility is thus an idle phrase, and to speak of punishment as retribution or expiation is merely to re-echo an outworn superstition. The conception embodied in the word "guilt" should have no influence on the framing or administration of the law. An involuntary homicide is on precisely the same moral plane as one committed through cupidity or hate, and if society sees fit to visit it with a lighter penalty this should be simply because negligence is less threatening to social order than violent and unrestrained passions. The insane murderer is in the same category and is to be dealt with in the manner that will best preserve the state from further injury by him. Thus, under these theories, society is left free to deal with every individual offender in the mode best fitted to subserve its interests and promote the well-being of its members as a whole; and the boast of the positivist criminologists is that, while heretofore penal codes have regarded the crime rather than the criminal, in the new order it will be the criminal who will be considered, and not the crime.

When we reach the practical measures proposed to give expression to these theories, we find valuable suggestions mingled with others that are visionary. That habitual criminals—the incorrigibles or born criminals of Lombroso—who are and always will be at war with society, should be "eliminated" by death or perpetual confinement and thus be prevented from propagating their kind, is a proposition which will probably be assented to by all save ultra-humanitarians. Yet Ferri hesitates to recommend the death-penalty for them and suggests agricultural colonies in which they can be confined for life, with the further proposal that they be set to work to reclaim malarious districts in place of employing honest peasants in that deadly labor. Agricultural colonies, in fact, are the main reliance of the Italian school to avoid the acknowledged evils of prisons, and in place of fixed terms they propose indeterminate sentences under which all prisoners are to be examined from time to time by experts in psychopathology and criminal anthropology, and are not to be released until there is satisfactory evidence of their readaptability to society. Garofalo makes a fruitful suggestion in pointing out that in the existing penal codes the interests of the victim of a crime are wholly

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overlooked, while reparatory damages payable to him ought to be a feature of all sentences: if the offender has property it should be seized; if he has none he should be required to work it out, the state paying the sufferer and putting the convict to hard labor till his wages suffice to refund the amount. Such fines or damages would be a wholesome substitute for the innumerable short-term sentences to prison which now exert so evil an influence in recruiting the criminal army and converting casual into habitual offenders. Prisons, moreover, should be made really penal in character, and be no longer, as at present, comfortable abodes, while special asylums should be provided for the confinement of insane criminals.

Much of this is reform in the right direction, though the advantage to be expected from it scarcely responds to the exultant promises held out by the new school. They claim, however, that by the application of their principles penal codes can be reduced to extreme simplicity, for the degree of punishment will depend on the character of the criminal and not on that of the crime. The whole administration of criminal justice will resolve itself into determining, according to the rules of science, first, the guilt of the accused, and, second, his adaptability to the social environment. In the words of Professor Ferri:

> "When the repressive social function assumes simply the character of a defensive force, by excluding the ethical notion of retributive punishment of crime, the penal judgment can no longer busy itself with apportioning carefully the penalty to the moral responsibility or culpability of the criminal. Its only object will be to prove that the accused committed the offence, and then to determine to what anthropological category he belongs, and thereby what degree of anti-social perversity or social readaptiveness is presented by his physio-psychical personality."

To this end judges and police are to be carefully trained in all these matters, and every prosecutor's office is to have a staff of experts in criminal anthropology. Students are no longer to trouble themselves with the intricacies of criminal jurisprudence, or to cultivate the eloquence so seductive to juries, but are to be drilled in psycho-pathology and anthropometry, and are to attend, under their instructors, clinics in the prisons as their medical brethren do in the hospitals.

Such, in brief outline, are the leading tenets of the positivist school, whose views, if we may judge from the immense accumulation of literature on the subject during the past twenty years, are exciting no little attention throughout Europe and are doubtless des-

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tined to contribute a share to the changes in criminal law and practice which are inevitable if the rising tide of crime is to be checked. Although some of these philosophic day-dreams may provoke a smile, yet the thoughtful publicist cannot but be grateful for any honest and resolute effort to lift the administration of criminal jurisprudence from the perilous routine into which it has fallen. In this we of the Western world have as large an interest as our cousins of the older hemisphere. While the boundless resources of our territory and our more scattered population have hitherto rendered these problems less immediately pressing for us than they are for the crowded nations of Europe, and while the easy-going optimism of our people has disposed us to the belief that they will solve themselves in time, symptoms are not lacking of a serious character to show that we must bestir ourselves if we are to avert most threatening evils. The growth of the urban population is becoming even more disproportionate here than it is abroad. The increase of vagabondage, encouraged by the thoughtless good nature or timidity of the rural districts, promises to breed for us a large and dangerous class of born criminals whom it will be hopeless to reclaim to honest labor, while the development of Coxeyism shows us how readily the ranks of these shiftless tramps can be recruited, and how reckless they become of the rights of others. The interminable delays and evasions through which legal ingenuity is allowed to defeat the ends of justice are directly responsible for the alarming increase of the practice of lynching, which is the natural expression of a deplorable popular loss of confidence in the courts; while on the other hand there is a maudlin sentimentality ever on the watch to sympathize with the convicted assassin and to urge in his behalf the abusive exercise of the pardoning power. Immigration of late years has cast upon our shores vast hordes of the most degraded and lawless races of Europe; and though we have been accustomed to flatter ourselves that our native population contributes less than its share to the criminal classes, the researches of Professor Falkner have recently shown that when the statistics are applied—as they should be—to adults alone, the percentage of native offenders is larger than that of foreign.[1]

[1] Possibly, if we include children born in this country of foreign parents, Professor Falkner's conclusions may be subject to modification. The statistics of the last census show that of 82,329 prisoners in 1890, 25.55 per cent were white natives, 29.49 per cent were negroes, 34.66 per cent were foreign-born or with both parents foreign, 9.40 per cent were unknown or with one foreign parent, and .09 per cent were Indians, Chinese, etc.

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Already the class of habitual culprits is as large with us as in Europe, where it is estimated to constitute between forty and fifty per cent of convicts, for in the penal institutions reporting to the Bureau of Education in 1892, ten per cent of the inmates are set down as incorrigibles, and thirty-five per cent as returning to a life of crime. Homicide has increased to such degree that, except in cases of peculiar atrocity, it is popularly regarded almost with indifference, till, as Dr. Andrew D. White happily observes, the only taking of life that Americans object to seems to be that which is done by judicial process. The general diffusion of education, from which, a generation ago, so much was expected, has utterly failed; for statistics show that literates contribute a larger percentage of their class to the criminal ranks than do the illiterates. In spite of the enormous expenditure of sixty million dollars per annum on police, judiciary, and prisons, the class which lives by preying upon society increases, and all discussion is to be welcomed which will attract popular attention to the magnitude of the evil and excite thoughtful consideration as to the measures best adapted to work a much-needed reform.

HENRY CHARLES LEA.

The foregoing subject may be pursued by consulting the works here named, but recent literature on criminology has become so vast that only a brief selection of typical works can be enumerated: Lombroso, "L'uomo delinquente," 4th ed., Turin, 1889, 2 vols. with atlas. (It has been translated into French, German, and Russian.) Ferri, "La Sociologie Criminelle," author's translation from the 3d Italian edition, 1 vol., Paris, 1893 (Rousseau). Garofalo, "La Criminologie," 3d ed., 1 vol., Paris, 1892 (Alcan). Tarde, "La Criminalité Comparée," 2d ed., 1 vol., Paris, 1890 (Alcan). Falkner, "Prison Statistics of the United States," Philadelphia, 1889. Morrison, "Crime and its Causes," 1 vol., London, 1891 (Swan, Sonnenschein & Co.). Köbner, "Die Methode einer wissenschaftlichen Rückfallstatistik," 1 vol., Berlin, 1893. Von Oettingen, "Die Moralstatistik in ihrer Bedeutung für eine Socialethik," 3d ed., 1 vol., Erlangen (Deichert).

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LEGALIZED PLUNDER OF RAILROAD PROPERTIES: THE REMEDY.

THAT railroad companies, as quasi-public corporations with paramount duties to the people, should make frequent and truthful reports as to their condition; that their officers and directors should be responsible to the proprietors, and should not be enabled to abuse with impunity the trust confided to them for the purpose of enriching themselves by impoverishing the properties for which they are trustees; and that receivers should not be permitted similarly to abuse their positions as delegates of courts of equity,—are elementary propositions. Such is the theory. But what of the practice?

The power of directors and receivers of railroad corporations has been rendered well-nigh absolute and practically irresponsible, so that the corporations are frequently treated by those administering their affairs, not as trust-estates confided to their care, but as conquered provinces. Not that all railroad presidents and directors are dishonest. No doubt many of the most important systems are managed with scrupulous regard for their welfare; some, in fact, have in their boards men so largely interested in their securities that the interests of the directors and of the companies are identical. So in all climes and in all times there have existed good despots, whose pleasures or interests lay in promoting the welfare of their subjects. But the ineradicable evil of despotism (that is, of the exercise of irresponsible power) is that it offers no guarantee to the subject that the administration of affairs for his benefit may not suddenly change into one to his detriment, by a change either in the person or in the interests of the despot.

This condition of affairs has been brought about by our present policy of leaving to private action alone the protection of the rights of security-holders under theoretical safeguards which in practice have proved illusory. These theoretical safeguards are the following:

First: Annual elections.

Second: Legal redress by suits instituted on the part of individual security-holders; and

Third: Intervention in receivership proceedings.

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The first of these is, of course, futile, even theoretically, as to properties whereof the directors own so large a proportion of the stock that elections and annual meetings are purely perfunctory affairs. But even when the directors own only the nominal amount necessary for their qualification,—nay, indeed, when they represent the "short" interest in the property, as they sometimes do,—they are almost invariably in position to control the elections and to secure a ratification of all their acts, no matter how wrongful;—this because the shares of railroads in which the directors have no large interests are rarely dividend-paying, and therefore have at best only a speculative value,—in many instances, indeed, are considered as mere gambling-counters, so that investments in them shift from day to day, and the purchasers rarely cause them to be transferred to their own names. Proxies on these shares are usually given by the nominal holders, not as the interest of the corporation requires, but as their personal interests and feelings dictate. Friendly and business relations existing between the nominal holders and the directors of the corporations will in most cases secure the votes for the existing board and an approval of the acts of that board. For the purpose of securing votes favorable to an existing board, the directors of the boards of various companies will also, as a rule, use their influence with such nominal holders, as all directors have the common interest of rulers to crush rebellions.

That in all this the interest of a company is a matter of no moment can readily be understood. On the contrary, frequently it is the very fact that the parties in control of a company have interests inimical to those confided to them, which brings to them the support of all the competitors of the company whose interest it is to cripple or destroy it. Some of the best properties of this country have thus been ruined.

Sometimes, it is true, treason and mismanagement have been so flagrant, and the opposition of the actual owners so thoroughly aroused, that friendly aid alone will not overcome it. In these cases recourse is had to the well-established custom of purchasing proxies either indirectly or directly. The indirect purchases are made by causing brokers in the interest of the management to pay premiums for the loan of shares, so as to transfer them to the names of parties favorable to the directors. The direct mode is to purchase proxies outright. Having not only the patronage, but also the machinery and the funds of the company at their disposal, directors have, in this species of contest, an overwhelming advantage over the contesting

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parties; for, even if the latter are willing to resort to the same practices, they rarely have the means, and still more rarely the incentive, to expend on an uncertain outcome the large amounts required, particularly as the price of proxies may rise rapidly under competition.

Thus, any attempt to hold directors responsible at annual meetings and elections is attended with such difficulty, and the chance of successful opposition is so insignificant, that those meetings and elections have lost all vitality. The rare cases when serious opposition has been developed, and the still rarer cases when it has been successful, are those in which some powerful interests for private reasons have entered into contests to wrest the control from those in power and secure it for themselves. Such contests, however, are revolutionary, and not a regular machinery for securing responsibility. Attempts to hold directors to responsibility on the part of individual unorganized stockholders at annual meetings are rarely deemed worthy even of notice. They are at once crushed out of existence by a "stock" vote.

The employment of the second of the so-called safeguards, namely, suits instituted by private individuals in courts of equity for the purpose of holding directors responsible for breaches of trust, is attended with such heavy expense, and the chances of success are so remote (the wrongful acts complained of being committed in secret), and, even if finally prevailing, the practical results are so barren,—that such suits are even more rarely resorted to than contests for control.

Intervention in receivership proceedings, for the purpose of redressing wrongs committed by receivers, is subject to even greater difficulties than proceedings against directors, as receivers are not only agents but actual appointees of the court, and the judge, by the very making of the appointment, virtually becomes sponsor for the character and ability of the receivers. And yet he is so completely dominated by the situation confronting him, that he cannot avoid making unfit and even unworthy appointments, if such are suggested to him by the parties who alone have a standing in court at an application for a receivership. This application is always *ex parte* and in secret. It is of necessity granted at once, without permitting the slightest examination on the part of the court, or of any other authority, into the causes which necessitated it or upon whom the responsibility for the bankruptcy may rest. Almost invariably, moreover, the proceedings are friendly, the plaintiff act-

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ing in the interest of the directors, and the company itself being the defendant. It is true that, if the application is made on the ground of a default in the payment of coupons, the trustee under the mortgage upon which the default has occurred is made a co-defendant; but this is rarely a protection against the suggestion of improper persons for receivers, as the trustee is usually on the friendliest terms with the directors who have nominated him as such. Be this as it may, after the receivers are appointed, how can the judge refrain from giving his confidence to his own appointees? No matter how upright, conscientious, and well-intentioned he may be, it is too much to expect that he should not look with distrust on individuals who intervene for the purpose of showing that his own appointees are unfit and unworthy. Thus, by force of circumstances, the court, almost of necessity and unwittingly, loses that characteristic which is the first element essential to the administration of justice—impartiality.

If the president or directors become receivers, their very appointment, moreover, tends to shield them against the legal consequences of acts committed before the receivership, because that appointment practically affixes the stamp of judicial approval upon their previous conduct. Of course the court will not shield receivers in cases of proved fraud; but fraud is always difficult to prove: much more difficult against receivers than against directors, as the tribunal in which receivers are accused is necessarily predisposed in their favor. Receivers can, moreover, encompass their doings with secrecy as profound as that which shields officers and directors, notwithstanding orders to file accounts and the appointment of a master in chancery to pass upon them. As a rule, the accounts filed consist merely of cash receipts and cash payments and reveal nothing further of the inner working of the business. Frequently, too, the master in chancery considers himself a mere clerk for the comparison of vouchers without any duty to inquire into the propriety of the payments made. The practices which have brought the company to bankruptcy are, therefore, easily continued under the receivership by the very parties who, as directors, were responsible for the bankruptcy, and who use the receivership and their appointment as agents of a court of equity to shield them in the further pursuit of those practices until a reorganization supplies the company with fresh food for plunder. Their status as receivers is then re-converted into that of officers and directors, until the vicious circle is completed by a second bank-

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ruptcy and a second receivership; again to be followed by a new reorganization and a fresh supply of booty.

Thus have the supposed safeguards offered to security-holders by the law, as it now stands, been nullified. And this nullification has produced so general a demoralization among investors, and such inertia, that they prefer to submit to any outrage rather than to make what they deem vain efforts to assert their rights. Their motto has become the inverse of the one to which we owe our national existence. It is: "Millions for tribute, but not one cent for defence."

The evils of irresponsible power wielded by directors have, moreover, not been confined to the internal relations existing between directors and security-holders. Of necessity they have affected the relation between the railroad companies and the communities served by them. The despotism to which the security-holders have succumbed with hopeless resignation has, however, aroused active and formidable antagonism to railroads throughout the country—an antagonism that has worked incalculable injury not only to the railroads and to the security-holders, but to the country as well.

Many communities, in their resentment, instead of making common cause with the security-holders and enacting laws for their common protection against those who abused their trust and violated their public duties, have treated the railroads themselves as enemies; and enacted laws against them to impair their efficiency and prevent their development. Yet the development and the efficiency of the railroads is a condition precedent to the development of the resources of the country. It has been forgotten that fortunes are made on the "bear" side as well as on the "bull" side of the stock-market; and much "anti-railroad" legislation, instead of being the "anti-millionaire" legislation which it was intended to be, has left to the millionaires the amplest scope for increasing their fortunes by selling "short" in anticipation of just such legislation and during its progress.

Thus our present policy, whereby we leave security-holders defenceless, and convert trustees and servants of properties into their masters, stands condemned by the history of the last three decades fraught with calamities, and by all portents of the future. The despotism consequent upon irresponsible administration has corrupted our entire system; and the hostile legislation thereby provoked has only oppressed the innocent and confirmed the rule of the usurpers. As a result of this policy, confidence in our railroad securities has been so seriously impaired and the credit of our railroads so injuri-

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ously affected that we can no longer reckon on foreign capital for the proper development and efficiency of our railroad service; and the flow even of domestic capital into those necessary channels seems dammed up. So it has come to pass that in our country, rapidly growing in population, where for that very reason railroad investments should have the credit of government securities, railroads having an aggregate capitalization of $2,500,000,000 out of a total of about $10,500,000,000 are bankrupt and in the hands of receivers.

The full force of this calamitous condition can be appreciated only when we remember that it is not only railroads and their security-holders, the shippers, and the communities served by the railroads, that are the sufferers, but that the railroads themselves directly employ about one million laborers who depend for their means of livelihood solely on the ability of those companies to pay fair wages; and that probably more than twice that number are engaged in the various industries whose revenues depend largely, if not mainly, on the maintenance, the proper degree of efficiency, and the continuous development of our railroad system.

And the interests of these vast bodies of men is not all. We must add to our consideration the interests of the security-holders themselves, numbered by millions as direct holders or indirect holders through banks and institutions of savings. The question of averting further disasters and of again restoring confidence in our railroad system is truly one second to none in national importance.

Our present policy having disastrously failed, and it being imperative to adopt a new one, it is nevertheless essential, on account of the very failure of the past, that the new policy shall not involve such radical changes as to give rise to new and unsuspected problems. It is imperative that the policy to be adopted, while new, should not be novel, but be in perfect congruity with the spirit of the Federal Constitution and with existing institutions, so that the evils we know may not be followed by others—perhaps still worse—we know not of. It should tend only to destroy the dangerous excrescences which have grown up contrary to the spirit of our Constitution.

The object should be only to give practical effect to the trust relations which ought to exist between directors and security-holders, and which must exist in order that we may establish justice and promote the common welfare.

The first step in the inauguration of this policy has been taken

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by the introduction in Congress of a bill entitled "A Bill to Regulate Railroad Companies engaged in Interstate Commerce."[1] This bill proceeds on five lines, as follows:

1. Restraint upon the commission of those wrongs proved to be most common and most destructive of the welfare of railroad companies, by placing the stigma of crime upon them.

2. Regulation of railroad elections so as to make them free and honest, in order that the sense of trust and responsibility for the management of those companies may be reawakened and kept permanently active.

3. Assimilation of the management of railroad properties by receivers to that of directors, so as to relieve the United States circuit courts from the cares of the business management of those properties to the extent that these cares are foreign to the administration of justice.

4. Establishment of a method of publicity of corporate affairs, acts of the directors, and business results, under governmental supervision.

5. Initiative on the part of the public prosecuting authorities in respect to crimes committed in contravention of the provisions of the bill.

The following are illustrations of the evils aimed at under the first of these heads:

One of our great railroads invited bids for the construction of a new line. After the bids were received, the lowest bidder was informed that, in order to obtain the contract, he must agree to divide profits with a relative of the president. As the low price at which the bid was put in left no margin for such a division, it was suggested to him that he increase the bid by 20 per cent. This was done, and the contract was then awarded to him.

On another occasion, the same company rejected all bids for the construction of an important line and undertook that construction itself. On that occasion it made a contract with that same relative of the president to supervise the work, which was all done by the company's own officers (men who were either perfectly capable or should have been discharged), and paid him 10 per cent of the total cost of that construction under the guise of compensation for his supervision.

The cases in which directors have purchased properties for comparatively small sums and sold them to other companies for large

[1] This Bill has been introduced in both Houses of Congress: in the Senate by Senator Cullom, of Illinois; and in the House of Representatives by Mr. Isidor Straus, of New York.

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sums, are of such common occurrence that it is needless to quote examples. The converse, although not so general, also happens quite frequently. In one instance which I remember, two companies were controlled by the same set of directors, who were personally interested in only one of the companies. They secretly sold for a practically nominal consideration nearly all the assets of the company in which they were not interested to the company in which they were interested. When the sale became known, and indignant stockholders organized a committee to protect themselves, it was suggested to the leading men of that committee that, in view of the uncertainty of our laws, the only prudent course for them to pursue was to dispose of their holdings in the ill-favored, and to recoup their losses by investing in the securities of the well-favored company. This suggestion fell on fertile soil, and the committee never held another meeting. It may be remarked that the main source of profit in "deals" such as the one just described is the "short" selling which it permits directors to indulge in, with almost an assured chance of securing immense profits at practically no risk.

Bearing on the matter under discussion is a decision just rendered by Mr. George L. Crawford, master in chancery, in the receivership proceedings of the Philadelphia and Reading Railroad Company pending in the United States Circuit Court for the Eastern District of Pennsylvania. Although this decision is not yet judicially authoritative,—the Court having to confirm it before it becomes so,—it is nevertheless of extreme importance for the reason that Mr. Crawford himself is an eminent member of the bar, and that the counsel of the railroad and of its receivers, as well as the counsel of the trustee of its principal mortgages, parties to the record, and also the counsel of three of its reorganization committees, all lawyers of great prominence, have, either actively or passively, concurred in it, thus giving it extraordinary weight as an exposition of the law of the United States as it now stands.

Mr. McLeod, the president of the company, entered on his individual account into a venture involving the purchase of a very large amount of stock, and was called upon to furnish $350,000 of a certain class of bonds as "margin." Having only $320,000 of his own, he secretly appropriated $30,000 from the treasury of the company, mingling them with his own to make up the amount. Shortly afterward, being in need of further "margin," he had recourse to the company's treasury in the same manner. After he had thus taken

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$842,000 of securities from the treasury, and when there was a loss of about $420,000 on the venture, the board of directors of the road was convened; and his action was, in general terms, approved. The preamble to the resolution upon which this approval was based stated the amount of securities withdrawn as only $613,000, and the resolution itself overstated by $30,000 the amount of the president's own securities used, he evidently continuing to consider the $30,000 which he had first taken out of the treasury as his own. Some weeks after this resolution was passed, Mr. McLeod again had recourse to the treasury for an additional amount of $250,000 in bonds, and about a month later he took a further amount of $1,500,000 in bonds and $250,000 in cash,—$1,000,000 of the bonds and the cash being taken on the very day on which the company went into receivers' hands. When the attention of the court was called to these transactions, there was a loss of nearly $1,500,000, and securities to nearly $3,500,000 in par value had in the mean time been involved, and of course their absence from the treasury largely led to the downfall of the company. At the time when the resolution was passed, no mention whatever was made of the fact—and the directors were in complete ignorance of it—that by reason of these purchases Mr. McLeod had incurred a liability of over $6,000,000, nor did he deem it his duty to inform the board as to the number of shares he had purchased or at what price; and, instead of stating that there was a loss on the transaction, he stated that the transaction was profitable.

Upon these facts Mr. Crawford has decided the law to be as follows:—

1. A president of a railroad company who engages for his own account in a stock speculation may secretly take securities from the company and use them as margin in that speculation without involving himself in criminal liability, the remedy of the company being simply an action for conversion, if the act be not subsequently approved by the board of directors.

2. No remedy whatever remains if the board approves the use of certain of the securities taken from the treasury; and, if this approval be given, it is immaterial that it be on representations made by the president understating the amount used by him, even if, as in the present case, the amount withdrawn exceeds the amount stated by nearly 50 per cent.

3. Notwithstanding the fact that such an approval is limited in terms by the resolution to a definite amount, that approval is ex-

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tended by implication of law not only to the total amount which had been withdrawn, but even to all further securities which the president may subsequently take secretly and use as "margin,"—the requirements for the purpose of "margin" being paramount, and may not be limited by the mention of a fixed amount.

4. The law further implies that the approval of a limited amount of securities withdrawn as "margin" involves the assumption by the company of the entire liability of the accounts to which the "margin" is applicable, though that liability extend into millions,—being in this case over $6,000,000.

5. The law does not impose on the president any duty to inform the board as to the amount of shares of which he desires the company to relieve him, or the price at which he purchased them; nor is there any duty upon the board to inform itself upon such questions. How far it may ask or the president may tell respecting the matter is purely a question of judgment for the board, whose action is not invalidated by acting under dense ignorance of the facts.

6. That the company has no recourse against the board of directors for assuming an unlimited and unknown liability by reason of such purchase, there being no forum to which the directors are amenable in such matters beyond that of their own conscience.

In addition to the foregoing, another serious question respecting the rights of the president to the securities of the company was involved. It was as follows: Mr. McLeod, without authority from the board, either general or special, took from the treasury three hundred bonds belonging to the company, and handed them over to the general solicitor, who in turn took them to a firm of stockbrokers with whom Mr. McLeod kept an account. Through the intermediary of these brokers, by using the credit on his account and subsequently paying a small balance in cash, Mr. McLeod became the purchaser of those bonds. The brokers paid for the bonds by a check given to the general solicitor, which check they refused to produce. The general solicitor never paid into the treasury any of the money alleged to have been received, simply filing with the secretary of the company a memorandum that that money had been expended by him under the direction of the president. No mention was made of the purposes for which this money was expended, nor to whom payments were made, nor, of course, was there any acknowledgment of the receipt of any of the money by any one. Neither the taking of the bonds nor the expending of the money was ever known,

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ratified, or approved by the board. On these facts Mr. Crawford decided that the bonds came properly into the ownership of Mr. McLeod and that no cause of action exists against him therefor.

No reasons are stated for this opinion, but the following must necessarily be the condition of the law in the opinion of Mr. Crawford and the various counsel above mentioned, in order to have justified the conclusion arrived at:—

The assets of a company are entirely within the personal control of the president. He requires no authority from the board of directors to sell any or all of the securities of the company, and he may dispose of them at his pleasure. He is not required to pay the proceeds into the treasury of the company or to account for the same; a memorandum to the effect that the money was expended under his direction, signed by the person who says that he expended it, is all that the company is entitled to. He need not state for what purpose the money was expended, and it is of course unnecessary that the board of directors should be apprised of such expenditure, or should authorize or ratify it. He is not bound to furnish the company with the receipts of persons who are supposed to have received the money so expended, nor is he obliged to mention their names and the nature of the claims upon which the payments are made.

Coming next to the consideration of the second of the above heads, we find six sections of the Bill are devoted to provisions intended to secure honest elections. They are based upon the principle that only proved and actual owners of shares or bonds should be entitled to vote on them, so that the control of corporations shall no longer be in the hands of persons who have no interests in them, or possibly have interests inimical to them. If the Bill becomes a law, no vote will be permitted unless accompanied by an oath to the effect that the person casting it is the real owner of the shares or bonds on which he offers to vote.

To the needed reforms in the matter of receiverships the Bill gives great attention. The first and most important of these reforms is to divest courts of justice of the onerous and foreign duty of managing railroads. While, of course, applications for receiverships require immediate action, so that a temporary appointment by the court is necessary, that appointment itself should be limited to persons who for a certain term have not been officers of the company, so as to end the crying evil of continuing in control of properties the very persons who brought about their bankruptcy, and who frequently, for

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the very purpose of continuing themselves in control under the protection of the court and for other reasons more iniquitous, bring about that bankruptcy. Fixed rules are laid down in the Bill, not only for the election of permanent receivers by the bondholders, who alone should be entitled to manage the property during the bankruptcy, but the method of administration by these permanent receivers is fixed by such rules as experience has proven to be necessary.

It is impossible adequately to describe the chaotic condition of affairs existing to-day, where each circuit court is practically the absolute master of any railroad which comes into its hands. Thus, receivers as agents of courts created for the purpose of enforcing contract rights and liens deem themselves justified in violating and destroying such contract rights whenever they deem, in their irresponsible business judgment, such a violation of rights conducive to the common good; as if honesty could ever be a question of policy, or courts could rightfully act under the maxim that the end justifies the means. A lease, for instance, may have shown a loss of $1,500,000 in the year before the receivership, and the payment of any rental on such a lease may have been expressly prohibited by the very mortgage for the protection of which the receivership was applied for, not to speak of the general principles of law postponing leases to mortgage rights; and yet the receivers may continue to pay enormous losses out of the trust-funds on such a lease, and cause defaults on prior liens, and endanger the very existence of the property and of the mortgage which had particularly sought the protection of the court, on a bare expression of opinion that, according to their business judgment, this was proper.

In respect to the control over payments made by the receivers, the law, as it now stands, seems to be equally unsatisfactory, it being questionable whether receivers must account at all during the whole period of their incumbency, or give any information whatsoever beyond that which their own pleasure dictates, as to their methods of administering the trust-funds in their hands. And even at the final winding up of the receivership, if the reorganization is made by themselves or by friendly interests, that accounting may be so completely controlled by them as to be practically a farce. If it is not a farce, it may become, for all practical purposes, a useless ceremony, as wrongful payments may have been made to the extent of many millions which in most instances the receivers would not be able to repay, even if a judgment were obtained against them.

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As to the use of the funds in their hands it is so completely within their arbitrary discretion, without any authority above them to hold them in check, that they have been known to fix their own compensation at any price at which they chose to fix it, as well as the compensation of their counsel and other employees, and even to pay the expenses of a plan of reorganization by the terms of which they were to maintain themselves in control of the property for a long series of years, as voting trustees with power to elect themselves officers and directors. The abuses incidental to such a system have become intolerable, and the remedy required, and supplied by the Bill, is an absolute necessity if all railroad property shall be relieved from the danger of partial or total confiscation by the agents of the very courts whose duty it is to administer justice and preserve rights.

The Bill provides, fourthly, such governmental supervision over the accounts of railroads as to render them trustworthy. No valid objection can be urged against this provision on the ground of undue interference with the private affairs of railroads, because our laws already require the publication and filing of such accounts in various offices, both Federal and State. At present, however, there is no control over those statements, so that they may be grossly false, and act not as a protection but as a snare to entrap the public. Surely directors who publish a report in January showing a surplus of more than $3,000,000 should not be permitted to put their company into receivers' hands in February unquestioned! Surely receivers, agents of a court of equity, should not be in position to announce to the world that a deficit in their operations for a year was little more than $800,000, when it amounted to over $3,000,000!

The accomplishment of this reform requires absolutely that there should be public examinations similar to those to which our banks are subjected, that they should be made periodically, and that no report should be published by directors or receivers unless certified by the examiner as correct. This very supervision, too, would be potent in preventing the commission of many acts which the Bill stigmatizes as crimes.

Lastly, it is essential that when wrong has been done it should be punished. But, to ensure retribution, the initiative of the public authorities is required, whenever the report made by the examiners calls for action. Private individuals should not be put to the burden

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of sacrificing themselves in order to secure public rights against persons of paramount influence, who are easily able to crush all those who dare oppose them. Moreover, unless there be not only certainty of detection of wrongful acts, but also certainty of punishment when detected, laws will be of no avail.

ISAAC L. RICE.

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PRODUCTIVE CONDITIONS OF AMERICAN LITERATURE.

AMERICAN literature must be faithful to American conditions. Granting the variations in the personal comment of each artist, the output must be in its general character creative, not imitative. It should rise out of our conditions as naturally as the corn grows. It must be distinctly and unmistakably American. This is a fundamental characteristic of the American realist (or veritist)—there are others which separate him more or less widely from the romanticist and idealist. I use the word "veritist" because "realism" has been indiscriminately applied to everything from a tract on Christian Science down to a tank drama. I ask indulgence for the word; there is no other which expresses my meaning in dealing with the new literary method.

The meaning of the word "realism" varies with the outlook of every person who uses it. Mr. Howells calls it "the truthful treatment of material." Véron states it to be the realistic imitation of actual things. Verestchagin advises the young artist to bring every event into harmony with the time, place, and light selected. Valdés advises the artist to treat of the thing he loves and it will no longer be prosaic or dull. My own conception is that realism (or veritism) is the truthful statement of an individual impression corrected by reference to the fact.

The difference between the veritist and the romanticist is expressed, first, by choice of subject. The veritist chooses for his subject not the impossible, not even the possible, but always the probable. He does not seek the exceptional, the sensational; he *naturally* finds the probable more interesting than the impossible. Certainly he does not choose it because it pays better, for it does not. The larger portion of the public is composed of grown-up children, and tales of blood and intrigue please them much better than stories of the probable and the wholesome. Mr. Rider Haggard's books sell better than Miss Wilkins's. Thus the poor veritist is too often a martyr to his care for probabilities.

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He sees Mr. Marion Crawford and Mr. Conan Doyle winning loud applause and much money by easy-going tales of love and war, the while his unexciting stories of normal human life find only an occasional reader. This is in the nature of things. The new art, the modern statement, must make its way against the traditional. It is like making a new road in the forest. To rouse passion is an easy trick; to produce intellectual emotion is an art. Even to read an original novel requires brains. The veritist chooses a modern theme necessarily. His love of life and his distaste for imitation prevent him from "novelizing" history in the manner of the school of historical novelists, and keeps him from the worn-out themes of the Middle Ages. He feels entirely willing that other men should write "The Iron Mask" and "The Glittering Glaive." To him such work is a waste of time.

The veritist chooses a native story, a near-by theme, and he deals with probable characters. They live,—his men and women; you can find them at home if you call. Having chosen probable characters he does not put them through impossible paces. He does not distort their lives. He respects the characters of his story as if they were personages in life. He cannot shove them about, nor marry them, nor kill them. What they do, they do by their own will or through nature's arrangement. Their very names come by some singular attraction. The veritist cannot name his characters arbitrarily. He cannot call them "Maud St. Ayr" or "Hubert De Montford." They are sometimes named "Maud Jones" or "Percy B. Wilson,"—the corrective influence of fact is shown in the surname. There is more of the whole question in this matter of names than one would think.

The veritist loves his characters not because they do, but because they are; not because they are heroes and heroines, but because they are men and women. The veritist has wearied of gods and heroes; he wants men. He has wearied of maidens who are willowy of form and star-eyed. He has wearied of the constant appeal to the sensual which the tricky novelist knows is organic in every man and woman. He therefore takes an interest in plain women of character. He tells of middle-aged people. He seeks not mere beauty, but beauty and significance. This led Octave Thanet to write of "Whitsun Harp," and Joseph Kirkland of "Zury." They did this, not out of theory, but because they found more to interest, more to depict, in such lives.

A mere love-story has become the most hackneyed theme in

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the world. Miss Wilkins writes mainly of old people and themes of filial or fraternal love. James Whitcomb Riley puts the same themes in verse. In choosing these, they undoubtedly sacrifice a certain kind of success. The easiest way to succeed in a monetary way is by the delineation of the erotic in the life of youth. Nothing is easier than the excitation of men and women by tales of love and war. It lacks distinction, however, and the veritist finds himself naturally averse to running in such well-worn ruts. He prefers to treat of other affections and interests—as, for example, where Henry James writes the story of a boy-pupil, or Heman Chaplin studies of "Eli."

The veritist sees the individual rather than the type. If the individual chances to be a widely recognized type, well and good—but the individual comes first. Nothing is permitted to overshadow character. The question is not so much, What did they do? as, What did they think? With a background which he loves, and characters which he knows, the veritist begins to write, not in another's way, but in his own way, corrected by reference to life. To allow the fantastic, or the improbable, or the impossible to come in, would destroy the unity of his story. It would be untrue, and would be unjust to his characters, for the action springs from them, and is controlled by them or by social forces around them. The introduction of a sensual or bloody incident into "Silas Lapham" would be monstrous—impossible.

The veritist has wearied of the expected also. He does not contrive to have things come out all right in the end to satisfy some sentimentalist who wants "him" to always marry "her." He cannot provide such endings in opposition to the logic of all that has gone before. If the drift of the action is in a certain direction, it can be changed only by the will of the character or by the working of characters upon social environment.

Neither does he enjoy the fortuitous. The chance thing, the curious coincidence, has small value to the veritist. To him the sunny, the regular, the normal is miraculous. He studies stars, not comets. The spy who is condemned to death is *not* a son of the general, nor a nephew,—not even a son of an old classmate: he is a stranger. This lessens the agony, but raises the novelist's art. In the drama the hero does not rush in at the last moment and bid the villain "stand back." The son and husband who goes off to the war, and whom everybody supposes to be dead, continues to be dead, notwithstanding the need of him at home. The old curmudgeon who

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holds the mortgage has not the slightest desire to possess the widow—he wants the interest. In this novel the hero does not hear of the heroine's danger; the will stays lost, and the wife marries again, and her step-children get on peaceably with her.

All this because the veritist does not constantly ask himself: "Will this create an effect?" or "Could this happen?"—but asks himself, "*Would* this happen?" He does not say it never happens that the spy looks like the general's classmate, or that the will turns up; he merely knows that it is not probable. In short, life goes on in this novel as under the sun and in the open air. The central figures do not necessarily marry or die at the end of the book—they walk on over the hill. I am quite willing to grant that this is distressing to certain minds, but the writers of such stories are not writing to please or to distress romantically inclined readers, but to satisfy their own ideas of art. That is to say, the veritist forms his novel upon life, not upon some other man's book; not even upon his own caprice, but upon his personal impression of the fact.

It is not true to say that there is no imagination involved. imagination is generally taken to mean the creation of weird, unnatural, impossible, or pathologic situations. The people who use the word thus are mistaken in their psychology. These are merely the more hackneyed forms of the imagination. Imagination is not a thing possessed only by an occasional morbid writer of sensational fiction. It is a faculty possessed by the bridge-builder, the inventor, the business man, often in far higher degree. To imagine vice and crime and salacious incidents is not to my mind a very high exercise of the imagination. The imagination involved in the writing of truthful novels is just as certainly creative as that used in the "Lone Horseman" or in "Dr. Jekyll and Mr. Hyde." It is a little saner and more wholesome; that is all. That it is not photography or flat reporting can be proved by this fact: the critic cannot distinguish between the entirely fictitious characters of the veritistic novel and the characters drawn from life. The critic is challenged to point out in "A Modern Instance" the characters "photographed" from life.

We are now to consider the objection so often raised that the veritist is a gloomy and depressing writer. The romanticist, notwithstanding his themes of blood and lust and tears, is supposed to be a wholesome and inspiring creature. He can slay men in war, and imprison maidens in donjon keeps, and hound poor peasants to death,

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and yet be called a joyous and lovely teacher of the splendor and glory of life. Miss Repplier is fond of celebrating such books. Mr. Haggard, Mr. Doyle, Mr. Weyman, and Mr. Crawford act upon this theory. Because the romancer puts his scene afar off and clothes his assassin in scarlet-and-green doublet and in gold-inlaid steel, it is all beautiful and moral and inspiring for our sons and daughters to read! He may reflect for the thousandth time the heartless cruelty and injustice of the Middle Ages; he may perpetuate sordid and lustful views of life; he may celebrate the ideals of feudalism, and repeat age-worn slanders against women,—and yet be considered excellent food for American youth! But the man who stands for individuality and freedom; who puts woman on an equality with man, making her a human being; who stands for a pure man as well as a pure woman; who stands for an altruistic and free state where involuntary poverty does not exist; who teaches the danger and degradation of lust and greed, and who inculcates a love for all who live, teaching justice and equal rights,—this novelist is depressing in his effect upon his readers!

The absurdity involved in this needs no exegesis. It will appear in the mere statement. As a matter of fact the "romance" dulls thought. It is a lie that lulls the conscience to sleep. The novel or drama of life stings, arouses, fires with exultant and awakened humanitarian religion. To one the reader goes to dream, to sensuously enjoy; from the other, the reader rises with broader sympathy, with more complete knowledge, better fitted to think and act in the interest of truth and freedom.

In advocating veritism I am not to be understood as apologizing for the so-called French realists. In fact they are not realists from my point of view. They seem to me to be sex-mad. I do not believe they are true to the men and women who make up the great body of citizens in France. I believe the average man or woman in France is sane and wholesome. I know this is true in America. They may be rough and sordid, and grim with a life of toil, but as a rule Americans are not sex-maniacs. No nation can endure and transact business whose citizens are as depraved as those set forth by Zola or his feeble imitators here in America. Even were his books true of the French, it would not justify a vile imitation of them on this side of the ocean. To imitate a grace is weakness; to imitate a vice is criminal. Veritism shuts out those novelists who think that only crime is real and only vice interesting. It does not include dramas

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which deal with diseased persons. Zola is a great writer, a terrible satirist: he is not what I mean by "veritist."

It will be seen that the work of the veritist is most difficult. He sets himself a most arduous task. His art consists in making others feel his individual and distinctive comment on the life around him. He cannot allow mere incident to cover up lack of characterization. He cannot fly to rape and arson to keep up the interest of his readers. He relies upon the power and variety and dignity of truth. He has faith in the physiology rather than in the pathology in human life. It requires more insight and more creative intelligence to write twenty successful novels—as Mr. Howells has done—without a single crime or unnatural vice in any of them, than to write a score of romances made up of murder, adultery, suicide, manslaughter, and all the other indispensable elements of the present-day romance. To write "A New England Nun," or "The Grandissimes," or "The Cliff-Dwellers," requires something better than mechanics and situations. To write "Shore Acres" requires a conscience, a human sympathy, and the power to individualize. To write the ordinary melodrama requires only scissors and the carpenter's hammer.

There is one characteristic which I believe marks the difference between the veritist and all romancers or idealists. The veritist loves actual life; the romancers shrink from it as if from cold water. The veritist loves realities, is moved and exalted by them. He fights greed and depravity face to face. He discerns nobility among his street companions. He laughs with them, not at them. He feels the waves of life beat upon him, and is moved and nerved as if by the dash of ocean spray. He loves the sun and air. He sees the drama of street and market-place. He finds significance and beauty in the things near at hand. He feels no need of "escaping from life."

The romanticist is the opposite of all this, however. As he approaches the idealist, he places great stress on the beautiful. The castle is more interesting than the railway station. He loves subdued lights and retired places. His characters move in a mist of sentiment. He does not enjoy close contact with life. The smell of workmen disgusts him. Business men, and keen, sensible women, alarm him or annoy him. He withdraws into a world of dead people who will keep their distance and nod when he pulls the string. He charters a vessel and goes round the world in search of a motive. When he uses the near-at-hand he distorts and exaggerates it and lights it up with red fire. He lacks repose. He troubles himself

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much about effect. He organizes ordeals and puts his characters through triumphantly in the face of enormous odds. His story comes out right, finishes, "rounds up," not because it would do so in life, but because it does not do so in life. He treats of people who are not his neighbors, because he does not like common people in real life and of course could not like them better in books. (In this he is essentially aristocratic and lacking in sympathy and insight, from the veritist's point of view.) The brave youth always succeeds; the pure girl secures the approbation of heaven; the immoral are miraculously changed by the power of some good woman. The drunkard keeps his pledge; the villain dies endowing an orphan asylum—all contrary to life as a matter of common observation. This does not disturb the idealist romancer. "It is not true to life," cries the veritist. "No, but it *ought* to be," calmly replies the idealist.

I am not crying out against this. On the contrary I hope it will continue, at least so long as it is a sincere expression of a certain outlook on life. When it is mere effectism I desire to see it fail and die. These qualifications and descriptions do not all apply to any one writer, but only in part. The romancer is really of all shades and grades. At one extreme he deals in melodrama, at his simplest he approaches the veritist. Often the veritist lapses into the romanticist or idealist momentarily.

It all comes down to a matter of temperament. Certain minds find greater value in realities than others. One mind loves and values the near-at-hand; another finds only the blue distance enchanting. I have no war with any sincere artist, but I despise imitation and effectism. No great art ever rose or ever can rise that is based upon imitation or that sacrifices truth for effect. The romanticist as well as every other artist should ask himself whether he is working to please some cult—some reader. To write in imitation of Zola is as fatal to real utterance as to write in imitation of Scott. Veritism imagines in the image of life. Idealism imagines in the image of some ideal, which is generally of the past. It is not always conventional, not always of the past, but it is apt to be so in form if not in spirit. To create in the image of life is the only road to never-ending art. That means progress, and forever progress. To create in the image of models is to take a road which leads in a circle that never rises but always descends. To create in the image of an ideal, ignoring the earth, is like painting the clouds without landscape.

To recapitulate a little: In the Novel, veritism demands sim-

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plicity, genuineness, wholesomeness, perfect truth to the conditions of American life, and unity of effect. It demands significance as well as beauty, and a bold, unshrinking contact with life, but it gives the latitude of personal impression of the fact. It has produced such diverse novelists as Mr. Howells, Mr. James, Miss Wilkins, Miss French ("Octave Thanet"), Mr. Harold Frederic, the late Mr. Joseph Kirkland, Miss Murfree, Mr. Cable, and many more. It is true that some of these writers have their romantic moments; it is true that some of them decline to be classed as veritists. Such things do not disturb the critic. Seeing that their work is based upon truth to certain localities and conditions, and allowing for all extravagances, they certainly represent those localities and conditions with sufficient faithfulness to be classed as veritists.

In Poetry it leads to freedom of form—that is, to a closer approach to the passionate speech of modern men. It leads to disuse of conventional words and phrases and hackneyed themes. It modifies the classic and fixed forms. Whitman stood for one phase of it, Sidney Lanier for another, James Whitcomb Riley for still another. Whitman was a powerful iconoclast and teacher of freedom. Lanier enlarged and modified the ancient forms which Whitman threw away. Riley is striving after the actual emotional utterances of the people. These poets only prophesy change; they do not complete a cycle: let that be stated again.

In Sculpture, veritism demands freedom from the abstract. It demands a return to the same source from which all true art has sprung —study of actual life. It will lead to the delineation of the habits, amusements, characters of modern life. Whatever the sculptor loves and desires to embody in stone or bronze—that thing is suitable. In this way will original work be done and imitation die out. No great sculpture will come till it comes out of spontaneous effort. The sculptor who chisels a nude figure with the right leg advanced and calls it "Charity," and another similar figure with the left foot advanced and calls it "Faith," is not American, and his work is not art. Better "The Checker-Players" of John Rogers, for that is measurably true—has humor and life in it. The work of a man like Edward Kemys, once a hunter and trapper, now a great sculptor of wild animals, shows the real development. Lanceray's groups in bronze show the marvellous inclusiveness of the word "sculptor," once we are free from conventional adherence to the nude and to the ideal.

In the Drama, veritism demands the abolition of formal plot, of

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set villains, of asides and soliloquies. It advances the study of human life. It widens the dramatic vocabulary. It relates action on the stage to action in life. It leads to the use of the probable and the wholesome, as in the novel. It discards the abnormal, the exceptional, the diseased, the criminal, in order to deal with the affairs of normal human life, making the drama co-extensive with the novel in the scope of its possible themes. In this connection the dramas of Mr. Herne and Mr. Thomas have significance. Mr. Herne has discarded the soliloquy, the aside, the fixed complication, and the villainous villain. Mr. Thomas, Mr. Matthews, Mr. Fitch, and Mr. Barnard are attempting simple scenes of American life. "Shore Acres" and "In Mizzoura" announce an American drama. They will encourage still more faithful and sympathetic studies of American life.

Finally veritism, as I see it, does not enslave, it sets free. It does not even say, "Idealize life—seek out the beautiful." It places the artist alone before life and says: "You are alone with the fact and your literary conscience. Your product is your own—or should be. It should be your individual comment upon life. Be yourself. Do not cringe or prostrate yourself; above all, do not imitate. As a creative mind, the great masters of the past have nothing for you. There is nothing for you to do but ignore them, as they ignored the masters who came before their time. All that Shakespeare or Goethe knew of humanity, you may know; not through them, not at second or third hand, but through a study of present life—by contact with men and women and with physical nature."

Every creative artist in the past, small or great, created in the image of life as he knew it and loved it. Shakespeare wrote great plays by studying life, not by studying Shakespeare. Were he living to-day he would be writing novels and dramas of living men and women, not imitations of the dramas of feudalism. The only justification for an American writer, painter, or sculptor is that he add something to the literature or other art of the world. To imitate, to shirk, to write for mere gain or to satisfy vanity, will not add a lasting word to any art. The American artist must grow out of American conditions and reflect them without deprecatory shrug or spoken apology. He may not always keep himself on the highest level, but it should be his constant care to be faithful to the fact in the light of his literary conscience. In this way he will at least escape imitation, and he may speak a new word about the soul or catch a new light breaking amid the reeds of the river bank. HAMLIN GARLAND.

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HOW THE BILLS OF SOCIALISM WILL BE PAID.

If the main premise is correct upon which Mr. Godkin has based his interesting paper in The Forum for June, on "Who will Pay the Bills of Socialism?" then, of course, the whole socialistic fabric falls to the ground, and the socialists' agitation that aims to make this world a better world to live in, being useless, may as well cease. Mr. Godkin takes the ground that, while the adoption of socialism would make a great increase in the living expenses of every civilized population, there would be no increase of income to provide the means to make such an improved standard of living possible. If this radical defect in the structure of socialism exists, it would have saved the waste of a great deal of energy and misdirected effort to point it out before; and it is remarkable that a factor of such immense import should have escaped the attention of all the leaders of that school of thought, many of whom are men of strong intelligence, of keen perceptions, and of cultivated minds.

But Mr. Godkin appears wholly to have overlooked one of the fundamental claims of socialism. At all events, one finds no allusion whatever thereto in his paper, although a discussion of the subject without this factor is very much like a consideration of the Abolition movement without the question of slavery. This claim is, that with the adoption of socialistic principles there would be such an enormous increase in income as to make an advanced standard of living a very easy possibility. In Mr. Godkin's reading of Mr. Bellamy's "Looking Backward" he must have skipped the chapters devoted to the wastefulness of the competitive system, and have been impressed only with those fantastic features of the story that to readers with anti-socialistic prejudices appear to constitute its chief quality. These chapters have commended themselves to not a few economists of sound reputation as admirable examples of clear and logical statement. Had Mr. Godkin given any attention to them he could hardly have failed to see that there was some reason for claiming that there would be a great increase in the income of the community under the adoption of socialistic methods.

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Whether the adoption of these methods be practicable, for other reasons, is another matter and is fairly open to question.

Mr. Godkin assumes that "the peculiarity of the social evolution which the philosophers say is now impending is, that it is to be not a money-making but a spending evolution," and his arguments are chiefly directed to show that the division of all the wealth in existence among the masses per capita would not make any appreciable difference in their condition, even for a single year. No thoughtful socialist would dream of disputing this deduction; for no thoughtful socialist that I have ever heard of attaches any importance whatever to the nonsensical idea of bettering the condition of the masses by dividing up existing wealth, however inequitable they may deem its present apportionment. It is, therefore, only a notion of those who have given but superficial consideration to the subject, that socialism is based upon "the notion that there is a reservoir of wealth somewhere, either in the possession of the government or the rich, which might be made to diffuse 'plenty through a smiling land,'"—a notion which is declared "probably the most mischievous delusion which has ever taken hold on the popular mind."

Multiplication, rather than division, forms the chief concern of socialism. The reservoir of wealth which socialism aims to "tap" is potential, not actual. That reservoir is so vast that the world's existing wealth is a trifle in comparison, and its disposition is a matter of slight moment. The marvellous growth of the existing wealth, however, supplies the strong justification of precedent for the reasoning of socialism in this respect. The keynote of this reasoning was inadvertently struck by Mr. Godkin in his remark that "when the world gave up slavery it substituted for a very wasteful form of labor a much more productive one." Socialism aims to substitute for the present very wasteful industrial methods much more productive ones.

The production of wealth proceeds chiefly on creative lines. The process may be called a vegetative one, like the manifold reproduction of corn from the seed, rather than accumulative, as in the digging of mineral treasures from the ground. Wealth wisely employed begets wealth. Its wise employment means the keeping of men steadily and profitably at work and the multiplying of the productivity of their hands by the aid of machinery. The enormous growth of wealth that has distinguished the present century is mainly due to the observation of these principles; and it has been

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promoted by the wonderful advances of science and invention. The congestions, the retarding agencies in the process,—like the world-wide financial crises and the consequently acute manifestations of human suffering and misery, together with chronic conditions of poverty and degradation,—appear to be due to the ignorant and unskilled use of the great instrumentalities that have been so lately developed in the industrial world,—a development that necessitates social changes of corresponding import, only the beginnings of which we are now witnessing.

Industrial activity of all kinds is based upon service. The only justification for an industrial action is the service thereby performed for the community, or for that portion of the community that requires it. Actions to other ends—either useless, as in the needless duplication of functions, or positively detrimental, as in causing enormous proportions of the world's wealth to be squandered in response to artificial demands created only to make an opportunity for profit in supplying them, like the advertising and sale of quack nostrums—are without justification. The amount of wealth absolutely wasted in these ways is appalling.

Every person employed in service useful to the community is to that extent a public functionary. Under present conditions nearly every person practically appoints himself to what in effect is public office, taking either the place in which he fancies he may find the most remunerative or agreeable employment, or into which circumstances may force him, regardless whether a sufficient number of persons may not already be employed in such work. It is very much as if in a great manufacturing establishment the employees were free to turn to those portions of the work that best suited their own inclinations or whims. In a rough way, perhaps, the law of chance may give effectiveness to the organization of the world's industry upon automatic principles, though at a prodigious waste of effort. Such organization is, however, like the methods of wild Nature when left to herself, with her prodigal expenditure of energy in the output of millions of seed for the production of one forest tree, as opposed to the methods of the intelligent gardener,—which are based upon a familiarity with the processes of Nature,—who husbands his resources to the utmost and makes every seed effective in the development of its productive possibilities to the highest degree.

Eminent economists have estimated that the capacity of mechani-

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cal and other scientific instrumentalities even now existing is sufficient, if thoroughly utilized, to supply all mankind not only with the necessities of life, but also with the reasonable luxuries. It may well be asked: Why, then, is this not done when all the facilities exist for doing it? The answer is: Because the instruments of production are chiefly monopolized by those whose primary aim is not the service of mankind, but their own selfish advantage, and who operate them only so long as they find it profitable to themselves to do so. In consequence, the masses of mankind are compelled to devote their toil in the first instance to the advantage of the favored few among their fellows, rather than to their own service, which is the real end, and but for which they would not be called upon to toil at all. This makes the term "industrial slavery" something more than a figure of speech. For there is a compulsion of circumstance as strong as the compulsion of law. Theoretically a man is free to work as he chooses; but when he attempts to follow his choice he is apt to find that the only alternative to working in exactly the way that somebody else chooses to make him is to become a tramp and to prey upon his fellows. The responsibility for this condition of things lies, however, not with those individuals or classes who monopolize services that somebody else would monopolize if they did not, but with the mass of mankind, which at present is too ignorant to exert the powers that it might exert if it only would.

The solution of the problem is simple enough in its statement. If the instruments of production were owned by the producers,—who are also the consumers,—all that would have to be done would be to produce on the one hand, and on the other hand, to distribute through the medium of the most effective and practicable instrumentality, the governmental organization, which Mr. Bellamy has very aptly characterized as "the hand of the people." Although this principle is simple enough in statement, its practical application is opposed by colossal difficulties. The people's hand is unskilled as yet, and its owner has little idea of its potential cunning. Education to the task and experience in its performance are demanded, and these can come only by degrees. But the hand has given evidence of its capability in not a few instances, and there appears to be no inherent reason why it should not be trained to realize ultimately all that is predicated. It is a noble end, that of inspiring mankind to serve itself; and the striving to its attainment deserves encouragement from all well-wishers of the race, and not their ridicule because

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of the enormous difficulties of the task. There are other aims, held dear by friends of good government, such as the reform of the civil service, or the adoption of more honest and efficient forms of municipal administration than those which characterize most of our great cities in the United States, that likewise find tremendous obstacles in the way of their realization. But that is no reason why those who have them at heart should be scoffed at.

Probably one of the most mischievous delusions that has taken possession of the minds of the majority of those who control the affairs of our modern civilization is the inverted view of industrial relations that confuses the means with the end—regarding "business" as something to be fostered for its own sake, rather than as a function for the service of the people; and therefore regarding the people as a mass of inert material to be exploited for the profit of the business world. It is this delusion that gives to our great corporations their unspeakable arrogance in their attitude toward the public, and that causes inquiries into their methods to be resented as "interference with matters of private concern." It is this delusion that gives to our multi-millionaires their dangerous power over the lives and fortunes of their fellows, and that causes them to assume for themselves the divine right to rule that was once claimed by kings. It is this delusion that has just presented the astounding spectacle of a great Trust insolently rising superior to the National Government itself, dictating its policy, and, first and last, to that end coolly dispensing a million dollars or so from its overflowing treasury. It is this delusion that practically delegates to great corporations the prerogative of taxation belonging to a sovereign people, and that makes the latter pay roundly for the privilege of not serving themselves.

This squandering of vast sums in the debauchment of politics—sums extorted from the masses, who are thus compelled to foot the expenditures for the usurpation of their government—is a significant instance of the waste that would be avoided were it possible to realize the ideals of socialism. The money that Mr. Godkin complains is wrung by the State from the hard earnings of sorely pressed people in the shape of taxation, is a bagatelle in comparison with the burden of private taxation imposed by the various "interests" upon the community; and which the community cannot escape, as many individuals are enabled to escape the payment of their just dues to the governing powers. That Mr. Godkin himself recognizes

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the iniquity of this usurpation of the taxing power is evident in the conduct of his most valiant contest against one conspicuous phase thereof. But the reform of the tariff—however radical it may ultimately be—will go but a little way toward remedying this great evil, that holds its grasp upon the public by many a firm tentacle.

Mr. Godkin's position, indeed, in certain respects, carried to its logical conclusion, would concede the claims of socialism. He well says that government from the outset is a joint-stock enterprise. Whether, besides conducting the post-office, government should conduct also gas-works and water-works, depends, he holds, on time and place and circumstance; and in the interests of civilization he insists also that the State should undertake the education of children. So, after all, it seems that he is not a little of a socialist himself! No rational socialist would go any farther in these directions than was expedient, for an advance too hasty would mean more loss than gain.

But would Mr. Godkin not qualify the following statement: "It makes no difference to me where I get my gas, or water, or transportation, provided I get it good and pure, provided I am not forced to take it if I do not want it, and provided I am not compelled to pay for anybody else's supply"? It should make a vast difference to a friend of good government whether he obtains these supplies from sources that rank with the chief causes of the corruption of government—as do the great lighting, water, and transportation corporations, as a rule. I am not sure, however, that "to allow the city government of New York to do things which it is perfectly safe to let the corporation of Birmingham or Berlin do, would be extremely foolish." On the contrary, I am inclined to hold that because it is not permitted to do these things is precisely the reason—or at least one of the main reasons—why the New York government is so bad. It is in its relations with private interests, through the control of the city government, that Tammany is enabled to exert its tremendous power. It is distinctly not for the interest of Tammany that the city should be allowed to do what Berlin and Birmingham do. We have recently seen a Tammany mayor oppose most violently the proposition that the city should build and own the projected new local transit system, and denounce as "socialists" the prominent business men who advocate its public ownership. He knew full well, by experience with the Manhattan Elevated Railroad Company, how

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much more advantageous it was for Tammany to have a great private corporation to deal with than it would be to get along with what little pickings and stealings it might manage to secure from public ownership of the system, under an accountability which would be likely to grow more and more strict as years go on. The fact that New York has, in the only example of the public ownership and operation of a local transit railway line in this country an admirable illustration of the principle, should be more widely known and appreciated than it is. The cable cars over the Brooklyn Bridge are operated by the bridge trustees,—a board representing the joint ownership of the bridge by the municipalities of New York and Brooklyn. It is called by experts the best cable system in the country. The service is excellent, and the fare is three cents, or two and a half cents by tickets sold in packages. The footway over the bridge is free of toll. Although there was scandal in the building of the bridge, the management is now very efficient, and I have never heard its integrity impeached. The bridge furnishes a good instance of the advantage of municipal control over that by private corporation. And yet it is proposed to let private corporations build and control the new Brooklyn bridges!

New York has always done well with the public ownership of its system of water-works. There have been some grave scandals, to be sure, and there has been some mismanagement. The aqueduct frauds, however, of a few years ago, were the outcome of dealings with private interests, that is, with contractors. The contract system of city work is full of opportunities for fraud. But it would be wholly gratuitous to assume that the water-works would have given anything like the present satisfaction had they been in the hands of a private company. The public ownership of the docks has also proved to be of immense advantage to New York.

The capital of the elevated railway system of New York has been so watered that its profits represent an enormous dividend on the original investment. If this system were owned by the public, it would represent so many millions removed from the sphere of Tammany's blackmailing influence, and this the Tammany mayor knows very well. Now suppose the system had been built by the city, as the new system very likely will be; suppose it were operated by the city, the public gaining the advantage in reduced rates and improved service, while the accumulation of a sinking-fund would

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wipe out the capitalization upon which the public is now compelled to pay interest and dividends indefinitely in the future: would these facts not mean the burden of everybody lightened by so much, and life made correspondingly more enjoyable?

Apply the same idea to the supplying of gas and electric light. Glasgow, I understand, has wiped out the capitalization of its gas-works, and supplies very cheap gas. The Boston suburb of Braintree, with its municipal "plant," supplies its people with electric light for domestic use at six mills an hour, while the Boston companies charge one cent, and in the northern suburbs the Malden company, serving four municipalities with a total population of nearly 70,000, charges a cent and a half. Does not cheap light, cheap water, and cheap transportation, as compared with the dearer supplies under "private enterprise," mean that everybody enjoying those advantages lives a great deal better than he has been in the habit of living and has "far more fun"? I can not see, either, that there is any difficulty as to where the money comes from that provides these services. Everybody who enjoys them pays for them more easily and has considerably more money left to spend for other things. By extending the principles indefinitely to other services as the public is prepared to assume them,—there being, as Mr. Godkin acknowledges, no hard and fast line between what is legitimately public and private enterprise,—we have a pretty easy answer to the question, "Who will pay the bills of socialism?"

A word as to the difficulty of securing the proper degree of administrative talent essential to such an increase of public functions. Mr. Godkin finds an almost insuperable obstacle here, and he says that any salary to-day is small for competent managers of great private enterprises, such as railroads and mills. He says that, while the opportunities for display of their talents even now are immense, yet the men wanted do not appear. This assertion is open to doubt. The salaries paid by railway corporations and insurance companies, for instance, are largely for "fancy" purposes, being, in many respects, paid for names, for political influence, or for other reasons, rather than for real services. I could mention a certain gas-lighting corporation in a great city, which, on changing hands, gave to its officials, including directors, salaries to the amount of $60,000, whereas only $15,000 at most had previously been paid for the same services. This was done at the expense of the consumers. In Massachusetts it is a common practice for quasi-public corporations to em-

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ploy as legislative counsel prominent politicians from each great party, so as to make their influence felt on both sides. Our post-office, notwithstanding a defective civil service, is a fairly efficient institution. It pays no enormous salaries, yet its management does not suffer in comparison with the management of the express companies. Our army engineer corps is full of men of exceptional talent. Their work for the government is well done. Their salaries are not large, but there is an attractiveness in the way of social standing and *esprit de corps* that retains them in the employ of the government. I have observed also that those cities that are well governed find no difficulty in securing efficient officials. And New England is full of towns where the best citizens freely give their time to the management of public affairs as carefully as if they were their own. In the light of such facts the fear that there would be insufficient administrative talent is hardly warranted, and there is little basis for the assertion that human nature must change before men can be trusted with such responsibilities.

Mr. Godkin remarks in effect that Mr. Bellamy, as a typical exponent of socialism, predicts a change in human nature which will make us all wise, industrious, and self-denying. In fact, Mr. Bellamy distinctly says that human nature would not change, but that a change in the circumstances affecting it would cause human nature to manifest itself differently. That is sound sense, borne out by practical observation, as we may see by contrasting the social conditions of a backwoods community in Kentucky with the social conditions of a typical New England town, both inhabited by people of the same English stock, but with such a difference in education, moral standards, and general characteristics that it would seem that human nature was a different thing in the two communities. Similar differences may be observed between the populations of two great cities inhabited by the same race or mixture of races, one community well governed and the other badly governed. No change in the inherent nature of the two populations is to be credited with the superiority of one over the other; for the attendant conditions simply cause the nature of one population to manifest itself in a more desirable way. If, therefore, socialism is to bring about a better order of things, it is natural that human nature should conform itself thereto. But it may be said that the greatest obstacle in the way of the realization of such an order is the perversity of human nature.

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The critics of socialism can see no signs of anything like an "evolution" of society in the directions which the socialists claim to perceive, beyond an extension of governmental functions in certain directions, industrially and otherwise. Yet that alone is of vast significance. The activities of our governments in matters affecting the common welfare have enormously increased in modern times, and with that increase has come an aptitude, born of experience, that gives good promise for an immense extension of such activities as time goes on. Call it "movement," "progress," "evolution," or what we will, there are certain aspects of recent industrial and social developments that many thoughtful persons find extremely significant. Among them are the coincidences of the growth of democracy, the spread of popular education, the achievements of modern science, and the consequent conduct of industrial operations on an enormous scale that necessitates the substitution of combination for competition as the controlling principle in trade, and the rapidly growing and world-wide socialistic agitation that to-day presents the most interesting subject of economic study. As industrial life forms the basis of social existence, and as government supplies the fabric of social organization, it seems reasonable to look for a strengthening of governmental functions as a necessary corollary to the complex development of industrial activity.

Just what shape the new direction of affairs will take is of course beyond conjecture. But, since history tells us that the progress of civilization has meant the steady growth of a mutual conformity among men and a submission to intelligent direction in the interest of the common welfare, we may expect to see this tendency—as the manifestation of an authority not personal but collective in its derivation—overcome more and more the inclination of individuals to resist the influences that impose a healthful self-restraint, and become the controlling power in industrial and social organization. Its realization may be withheld for a long time, but it seems no more chimerical to look for its ultimate coming than for the coming of other reforms toward which good people aspire. With it would come naturally a far more equitable and satisfactory distribution of the products of industry than we have at the present time. While its day may be very far distant, the fact that in the course of one century science has thrust into the hands of man instruments of such wonderful capacity as to revolutionize the work of the world, gives reason for the expectation that within a correspond-

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ingly brief period the hands that are as yet unskilled in the use of those instrumentalities will acquire the cunning, and the brain of man the knowledge, for their wise utilization in the service of the race.

SYLVESTER BAXTER.

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THE NEW PSYCHOLOGY AS A BASIS OF EDUCATION.

It is now nearly ten years since I began to collect text-books in logic, ethics, psychology, and allied subjects, used in American colleges. Nearly three hundred titles of these are now in press; and more than a score of these books I have used myself. These subjects have generally been taught by the presidents of our colleges in the senior year, as the culmination of the A. B. course. Down to the beginning of this century, and in many places since, the president conducted the college, assisted by tutors; and these subjects were closely associated with theology and the exposition of the Scriptures. Down to about the middle of the last century, although American students did not read Aristotle on their knees, or swear, upon taking their degrees, to defend his philosophy, as they did at Oxford, logic was central and supreme. This old logic-cult, from the days of the Sophists down through the academy stoa, the forensics of Abelard, and the church councils before and after Luther's Theses, was the chief academic method in the early American colleges. Weekly or semi-weekly interest centred in debate between students and professors; imaginary responders were set up if there were no real ones; it was the method by which theology and metaphysics were wrought out in forge and heat, and forced home upon unwilling minds. Of all this, deductive logic with the doctrine of fallacies, most interesting of all, was the canon and norm. Not only was it the *organon* of the soul in dealing with ideas, categories, etc., which were then more real than any objects of nature, but it presided over rhetoric, oratory, and grammar, in the days when the maxim *bonus grammaticus bonus theologus* was literally true. When induction came with Bacon, Locke, and Mill, it found its way very slowly into college courses, and has not proved any very great academic viability; but deduction, despite its admirable recent text-books and its slight present revival, is now but a mere rudiment of what it was.

Ethics was the second branch of philosophy to attain academic prominence here. Although taught from the first, it was an object of suspicion with most religious leaders. Cotton Mather called it

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"impiety edited in the form of art." The influences of Whitfield's revivalism were generally against it: Mark Hopkins's development of ethical courses at Williams College was thought to be a dangerous and radical innovation because its tendencies were to salvation by works, which were called "filthy rags." The early American text-books are all chiefly theological; and all the progress made for two centuries of discussion was the transition from the view that virtue was likeness to God, His will was the only warrant for duty, and morality was His revealed code, to the view that it was best studied in innate intuitions and sentiments in man. Two decades before the Declaration of Independence, which owed so much to this ethical movement, our text-books expatiated upon political rights, as they had not done since Aristotle. But it was the Unitarian movement with its hearty belief in good works, the Anti-Slavery discussion, and other later reforms, that vastly enlarged the scope of our college ethics. The amazing number of these text-books constitutes a peculiar national manifestation. They are written from many standpoints; and—especially if we include the scores of letters, lectures, guides, manuals, and "own books" of ethical import addressed to young men and women—we shall realize that we have here an American specialty equalled in no other age or land. Either we have had especial cause to feel solicitous about the young, or else we are a nation of unusual pedagogic proclivities. The chief reason of all this enormous volume of moral inculcation is found in the absence of the great body of custom, tradition, and ethnic spirit, and in the mixture of ethnic stocks described in my article in the May number of THE FORUM, and in the endeavor of the strenuous Puritan conscience to leaven and unify the distracting and dissipating elements of our national life. This is the most original and important educational element yet contributed by this country; for, unlike logic, it was a product of our own peculiar national needs.

Third, and later, came in another element, viz., the History of Philosophy, which two decades ago constituted half of all the teaching in this field in Germany. With some American professors this culminated in Hegelism; with others, in the so-called theory of knowledge. This vast and sudden expansion of the philosophic consciousness, although in part a legitimate development of the protestant spirit of self-examination, is, to a great extent, alien to both the American nature and needs. A thorough course in the history

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of philosophy is admirable as strong diet for strong men, but to worry our academic youth with anxieties as to whether the external world is real or rational, and, above all, to complicate this with an all-sided religious *éclaircissment* is a form of sudden scepticism which for the American type of adolescence almost constitutes psychic decapitation. Its best product is a *fin de siècle Theatœtus* with a prodigious appetite for "boiled cobwebs"; while its worst product is a half-paralyzed moral and intellectual invalid with no self-direction, no certainty, no mental unity, and no real criterion or power of perspective. There are now a few active-minded and popular American professors whose infection of their students with these doctrines is, as I shall show later, nothing less than a morbid neurosis of cynicism, indifference, and selfishness. It is not enough to name these so-called epistemological vagaries, the modern equivalent of the doctrines of sophists and scholastics. They are rather, in some forms, hardly less than the physiological equivalents of self-abuse. I am well aware that this is strong language, but I have definite clinical cases in mind where just this effect has been produced; and why shouldan educator not indulge in as strong and plain language regarding sins against the soul of man as against his body?

I have before me, in a collection of the announcements of next year's philosophical courses in American universities, several which are calculated to undermine belief in the senses and in the reality not only of nature, but of time and of space, and which I believe would have filled Berkeley, Hume, Kant, or Fichte, with horrors, so crassly literal and practical are their speculations made for immature minds. The consolation is found in the fact that when the outcome of philosophy is said to be the conviction that nothing but the flitting thought of the present moment of the individual thinker is really real, nemesis seems to be already on the threshold.

The fourth and last movement began, in this country, at the Johns Hopkins University, only thirteen years ago, when the first chair of experimental psychology was established. The beginning was extremely modest, and with a less bold and sagacious leadership of that University might perhaps to this day never have been made. The history of this departure shows, better than any other I know of, one of the best sides of our American institutions, viz: readiness to recognize a good thing when seen, and to adopt it. Although the second American chair in this department has not been established ten years, an American Association of between two and three score

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instructors is now nearly two years old. Instead of the first lack of text-books, there is now almost an excess of them; and the transforming effects in this oldest and most conservative department are incalculable. Two journals, one founded in 1887 and the other in 1894, are devoted exclusively, and eight or ten others partially, to this work. A score of psycho-physic laboratories, with more men and apparatus than can be found in all Europe combined, and with a reputable output of original work, are now in operation. A glance at the chief fields now cultivated by a complete university department of psychology will show how transforming for other philosophical disciplines, how all-conditioning for education, and how full of promise for religion, this regenerate "science of man" is now fast becoming.

I. First came the laboratory or experimental work. Perhaps in no department will a very little money do so much as a few even of the normal schools have lately found out to their great benefit. Experiments on the senses, motion, time of psychic actions, fatigue, pain, rhythm, etc., now take most of the vital problems of perception, association, attention, and will, into the laboratory; they quadruple the power of introspection while obviating all its dangers; they shed new light in many dark corners; and they have already reconstructed many old doctrines. Dr. Sanford is embodying the results of this development in a course of about three hundred and fifty experiments hardly less valuable for logic than for psychology.

In the modern laboratory, conditions, whether of a bit of nerve-fibre or cell or of a normal human being, are varied indefinitely, and really enlarge human experience. Men sleep on balances with apparatus that records the slightest change of pulse, respiration, circulation, heat; they test themselves with mild doses of narcotics, tonics, and other nervines; they multiply or reduce air-pressures over the entire dermal surface; they select a square inch of skin, and with every known test educate it for months; they fatigue definite muscle-groups; they measure the exact time and force of memory and will; they register diurnal and even monthly periodicities; they explore the hypnotic state; they apply the various forms of electricity, light, heat, sound, with chemicals for taste and smell.

Fruitful and important as all this is, it by no means covers the ground of the old college philosophy. It has little ethical power in it, and for the average student it is not, perhaps, always idealizing. Hence, it is all the more to be regretted that a few of the new

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psychologists go no further, but are content only to make methods more exact and results more refined. Although they are hardly open to the charge of teaching "psychology without a soul," which is sometimes made, they certainly represent only a single section of the new psychology.

II. Another field is that of comparative psychology. The more we know of animal life, the vaster becomes our conception of instinct. How philosophy treats this, Schelling once said, is one of its best tests. Broadest and lowest are the instincts in the vegetable world, such as the movements by which a root penetrates the soil with sagacity as if its tip were a tiny brain; the tricks of carnivorous and climbing plants and of fertilization; the movements of bacteria, infusoria, and from these up to earth-worms, ants, bees, trap-door spiders, and the higher mammals—all these studies shed light upon the nature, and often upon the genesis, of what is *a priori* and innate in man. Neither the instinctive nor the conscious should be allowed to become the key or type by which to explain the other. The psychologist who can surround himself with every form of animal life until his sympathy and insight into its ways are as deep as that of Audubon, or White of Selborne, and as reverent as that of St. Francis, cannot fail of a deep religious feeling that the world is rational to the core. Instinct will seem larger and deeper though not so high as reason. The joy of finding traces of purpose and design beneath us will become a kind of atonement between consciousness and its unconscious basis. The boundless plasticity which fits every condition and fills full every possibility of life shows a wisdom beneath us which we cannot escape if we would, and on which, when conscious purpose and endeavor droop, we can fall back with trust as on everlasting arms.

III. Anthropology, which is very lately coming into some of our American colleges, is never, in fact, so large as its name. In older and theological institutions it designated the processes in the fall and redemption of man. For some it is mainly anthropometry, the Benedict school having refined some hundred measurements of the skull alone. For others it means the study of primitive man, cave-dwellers, and the like. The psychological side which interests us here is devoted to myth, custom, and belief. If psychology is truly historical, it goes back of all finished systems to their roots in the primary thoughts, sensations, and feelings of early man, which grow more sacredly secret and hard to extract as tribes lose their

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ethnic originality. These must often be elaborated from words, folk-lore, rites, maxims, and social organizations. This higher anthropology seeks for such primeval notions as a naturalist seeks for new species, and it has a passion for "pooling" sentiments, opinions, and views. When, in the development of a race, such material shoots together into cosmogonies, national epics, or ethnic bibles, the psychic basis for a period of culture is laid, a spiritual cosmos begins. Of this same mother-lye, philosophy at its best is but a more elaborate organization. Thus constituted, it labors to start from the common vulgar standpoint and to dignify homely commonplace things and duties, as Socrates did. It is always saturated with local color; and, instead of being gaspingly thin and abstract as it appears to those who in periods of strong discipleship and little originality study the great systems from the texts, ignoring the psychic environment whence they sprung, it always seems the most warm and condensed of all the manifold expressions of man's needs and ideals. With a different ethnic basis all systems would have been different. Thus, foreigners can never represent a philosophy that is indigenous, while the "exhaustion-method" that works by thought-possibility always has to have its work done over again.

Greece first ripened its traditions into philosophy, which was freely determined by all the past and was as homogeneous as the Greek blood. Plato combined the old philosophemes with a deeper insight of his own day, and sought moral regeneration by infecting men with a passion for his ideal. It was national, and it was literature at its highest and best, and became dogma only in its decline; and it was ethically inspired.

Here, too, belong the studies of childhood from the sentiment of love in the parents on to birth and up to maturity. The soul and body of the young child is freighted with potencies and reverberations from a past we know not how remote, and was, for Plato, of all things in the world, most worthy of love, reverence, and service. To Compayré it is "the most attractive of the new fields of study opened by modern science," and Le Conte says, "It is impossible to overestimate the importance of these studies"; while Garbini has just published a first study of the infant's voice. The first centre of the child's psychic life, the mouth, toward which everything and every motion goes; the extraordinary sensitiveness of touch with all the organs of the adult skin concentrated on one-sixth the space; the slow development of the *ego* within, as distinct from the *non-ego*

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which includes all outside the bounding dermal surface; the slow development of the seeing-power till it becomes a passion; the gradual co-ordination of the elements of speech and motion,—all these are full of lessons for the psychologist. The centres for eye, ear, motion, seem to develop in relative independence, and a plenty of play and even selfishness appear to be necessary in order to associate these elements of the *ego*, or self, into a unity so complete that shock or even hypnotism cannot decompose it. The first six years of childhood are marked by growth so amazing as to suggest the six days of creation, while such problems as personality, the origin of language, character, temperament, will probably never have any solution unless they are found in the study of infancy, the growth of which epitomizes under our eyes the history of the race, each day sometimes representing perhaps the race-development of centuries. Other aspects of this topic I presented in THE FORUM for December, 1893.

Adult psychology, which is chiefly taught, even to teachers, while it does not disqualify them for their work, is a very different thing from these practical yet scientific researches into the genesis of the human soul. Thus, it is not strange that so many recent associations, centres, and studies, almost by the score, upon nearly every aspect of child-life and adolescence, now promise to make every stage of education more scientific than ever before.

IV. For the fourth field of the new psychology I know no better name than studies of decadents. Morel first treated insanity as a form of human degeneration; Strümpel first developed pedagogical pathology, and Lombroso the criminal types of decadents; while the study of idiots, paupers, tramps, blind, deaf, and other defective classes, and even monstrosities, is represented now by a vast and rapidly growing body of literature. Beginning with the more marked abnormalities, these studies proceeded to less marked cases—from idiots to dullards; from the deaf to cases of defective hearing; from insanity to slightly reduced mental responsibility,—until now we have a growing body of criticism that applies the refined discriminations of normal and morbid to current tendencies in literature, art, education, religion, and even politics. Modern psychology is thus coming to utilize not only inmates of institutions, but institutions themselves, and the whole wide field of history and life, for clinical and diagnostic purposes; and the word "health" is again approaching its old and larger Biblical sense of holiness.

All human degeneracies, whether individual or inherited, are

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being substituted, in the world's great algebra of morals, for the almost unknown symbol, sin. Painstaking monographs on the morbidities of love show not only its dominance but its plasticity, and how every manifestation of it, divorced from its natural object in the other sex, may be evoked in the most literal and physical way toward almost any object or act. All the periodicities, so marked in many forms of lunacy, are traced up into normal life. Epilepsy shades down to hiccough; aphasia, to hesitation for a word; mania, to momentary excitement: so that disease almost shows us our normal life with each phenomenon and tendency magnified.

None of the many text-books yet combines these four standpoints; and I have found three years of daily work with advanced and select men not too much time to cover it. In every part it palpitates with human interest. To teach it is a joy, nay, a passion. However laboriously or even well it may be done, there is always the bitter-sweet feeling that one is here staking out one of the world's great academic highways, and that a pioneer will soon be forgotten in the flood of larger life in which every scrap and detail will be mined and minted and soon become part of the circulating medium of the intellectual world. It may be that the relations of the new psychology to the old philosophy are to be somewhat as the latter were a century ago to theology; that psychology will never be a finished system, but a natural history of mind, dealing with the larger human logic in which all systems move. As is sometimes said of the two Testaments, so perhaps we may say of philosophy and psychology, "In the Old the New lay concealed, in the New the Old stands revealed." It is no crisis or revolution, but a slow and necessary growth.

Every stage of human development has been marked by its own special form of productiveness and creation. At one stage man's originating powers developed family and tribal life; later, perhaps, Max Müller's one hundred and twenty-one original Aryan roots were struck out; now, God's creative prophets go up to meet him above the region of eternal frost, and bring down his law from the wild elements and mysteries of nature "to the line of commercial value, leaving it there, knowing that the world will make it useful and profitable, while they go back to resume their original search." Just in proportion as evolutionary views prevail, all the fields it affects focus their interest and product upon man, and the older static views yield to the dynamic.

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Goethe said of Shakespeare that, at the first touch of his genius, something inspiring hovered above him; that he became his for life; that he was like one born blind on whom a miraculous hand bestowed sight in a moment; and that he had a most vivid sense of the infinite expansion of his existence. This experience men are repeating to-day as they see their own nature expanded till every form of animal life is but a branch of their own family tree.

To those who, "having eyes, see not," these new births seem to have a kind of larval ugliness; and those who should nourish it, disown it, as young mothers sometimes at first turn from their first-born. As in misophobia patients have a fear of contamination so morbid that they must wash the hands after touching any and every object, so there are philosophical hylephobiacs who see materialism in every study of body, and especially of brain. I have not been able to enumerate a dozen materialists among contemporary writers, and of these only two are academic, while all the tendencies are toward regarding matter as itself dynamic, if not spiritual. This cry, now so rarely heard, thus fairly suggests the story of the dog which saw a squirrel run into a hole in a wall; and, although the squirrel immediately ran through and up a tree, the dog barked at the hole for days and weeks; and, after the wall was removed and a lawn took its place, he would stand and bark where the hole used to be.

The one chief and immediate field of application for all this work is its application to education, considered as the science of human nature and the art of developing it to its fullest maturity. It is especially opposed to low views of higher education, which are so prevalent often in higher places. It regards all the *real* history of the world, from protoplasm up, eliminating all stationary and retrograde movements, as educational. The philosophy of education, of history, and of life, are one. Every institution, nation or period, subject, and man, is judged by its service to education in this large sense. Philosophy in our colleges has often gone into by and forbidden ways: its only justification is the service it can render to education. So far from this being an application of it to utilitarian ends, it is its highest consecration; for, when we say of anything that it is good, true, or beautiful in itself, we mean it is purely educational. It suggests a new development of ethics in some City of Hygeia on the basis of health which is already well begun and which can always be appealed to by all classes. It suggests that sociology must be based on biology and psychology as above

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described, or it will "ride so high a horse that it cannot see the ground under it"; it will teach only the dynamics of selfishness unless it has understood the history of the world as a love-story, somewhat in Drummond's sense, only more adequately treated.

The services of the new psychology to the Christian religion, I believe it is impossible to overestimate. Its teachings of the manifold human degeneracies make the doctrine of sin as vital as with the most ardent of the old hermetologists, and far more tempered and potent. The natural history of adolescence leaves out nothing, and reduplicates all the teachings of every church about the new life. Love, which began with the first maternal care of offspring and is now almost filling the horizon of evolutionists, is becoming as central and profound as it was with Jesus and Paul; while law, both moral and natural, blessedness or euphoria as the joy of existence, torment as physical pain or psychalgia, now carefully explored in many ways, deepen and intensify all scriptural contrasts between bliss and torment. Thus, in many ways the Bible is being re-revealed as man's great text-book in psychology, dealing with him as a whole, body, mind, and will, which has been so misappreciated simply because it is so deeply divine. In place of the petty truces between Science and Religion, mind is being flooded and transfused with a vaster conception of the universe and man's place in it, which is giving reason a new cosmos with the old Bible-sense of unity and love at the core.

These conceptions, although new and germinal, are the standpoints of the new science of man which are now inspiring the best work in the best university departments in this field. Most of this work is so far represented in monographs, which constitute the library of the specialist, and in current researches to which every one who wishes to lead in either the education, the religion, the philosophy, or the neural sides of medicine, must devote himself. The text-book makers and teachers of second-hand knowledge will soon be in the field, rehearsing these achievements like the magicians with their enchantments. Let them follow this norm and work in this spirit. In a new departure like this there are many other interesting yet normal "phenomena of altitude," unused though we may be to them in most of our faculty or inter-collegiate meetings. We see natural leaders, Hertz, Pasteur, Ferrel, modest and sometimes unknown to the great world, "born hunters after truth," men whose souls are not pumps, but springs, who illustrate what is perhaps our

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greatest educational need of all, real mental unity. Just as, in the lower forms of life, love for offspring first developed and grew toward maturity in exact ratio to the decline in the number of progeny, so that diffused care could be centred upon a few, so some of these men have focussed all their work and love, which was more intense because so few could understand and love them in return.

Coleridge said that whoever began by loving the church better than truth would proceed to love sect better than church, and end by loving self best of all. There may be some similar tendency for those who begin by loving their own alma mater better than they love truth, science, or philosophy. Compared with these latter, how petty seem all the triumphs by which a few score or a hundred students are diverted from one college to another equally good! How inane is every form of *oratio pro domo* which has advantage for one institution over another no worse as its end; a species of address, essay, or academic policy once wittily described as readjusting the old stock educational facts and arguments as the old chain-box ballast was rolled now this way, now that, to trim the ship to the passing breeze. The new harmony between the sciences which focus in the study of man, as well as economy and effectiveness, demand a larger academic policy shaped more by the needs of science and research, more co-operation, greater earnestness and enthusiasm, and, if need be, self-sacrifice, that men shall not become "institutionalized," talent be not only detected, but protected from too early factory-work in the mills of examination.

It was surely a superfine and ecstatic poet who vowed that he could not see his love's countenance for her soul. The soul of universities is pure science, its body is its buildings, administration, ceremonies, and all the traffic in capitalized stock-examination knowledge. Although our psycho-physiology of this soul in this body be as yet only "vague snatches of uranian antiphon," we do know that the soul is more than the body, and that such mind-cure as I have tried faintly to hint at in these articles thus far is the only hopeful treatment for every form of academic disease or defect which so many now deplore.

G. Stanley Hall.

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METHODS OF LABORATORY MIND-STUDY.

SCIENTIFIC or laboratory psychology has found a rapid development in America, but very little has been said of its practical bearings. Our investigators have discovered, and are steadily discovering, innumerable facts and laws that are of inestimable value to practical educators, teachers, and all who educate or influence others or themselves. Of this practical side of the new psychology I wish to give a few examples, in the anticipation that before long the science of education, the arts and all the technical pursuits in which mental ability is involved, will pay as careful attention to the discoveries of experimental psychology as mechanical and electrical technology pay to the discoveries of physics.

One of the most fruitful fields of psychological work has been found in measurements of the time required for mental acts. Let a dozen or twenty persons take hold of hands in a ring: each is to press the hand of his right-hand neighbor as soon as he receives a pressure from the left. One person starts the pressure going, and at the same instant observes the position of the second-hand of a watch. The pressure passes all around the circle; and when it arrives at the originator he notes how many seconds were required for the given number of persons in succession to receive an impression and make up their minds to act in response. The total time is then divided by the number of persons. This is a crude illustration of the reaction-time which we measure with great accuracy on single persons.

As the mental portion of the reaction-time becomes more complicated, the time becomes longer. For example, the processes of mental discrimination and choice require times of their own. The way we get at these "higher" mental processes can be illustrated in a simple way: A person placed in a quiet room is to tap a telegraph-key every time he sees a red light, which can be produced at the will of the experimenter in the recording-room. The interval of time between the actual appearance of the light and the moment the key is tapped is accurately measured. For a while nothing but the red light is

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used: this to obtain the simple reaction-time. Then red and yellow lights are turned on in irregular succession. The person has now to discriminate between two colors and to choose between action and non-action. The increase of time required over the simple reaction-time gives the discrimination-time for two colors. In another set of experiments three colors are used; then four colors. As the discrimination and choice become more complicated, more time is required.

The importance of rapid and accurate reaction and discrimination is evident. Astronomers have difficulty in recording the moment at which a star passes a line in the telescope. The sportsman must pull the trigger at just the proper moment. The football-player, the fencer, and the boxer are trained in rapidity of discrimination and reaction. It is very evident that a player or a pugilist who takes a long time for discrimination, choice, and volition, will give a decided advantage to a quick opponent.

A most interesting subject of psychological work is the association of ideas. While passing along the street you catch a glimpse of good things to eat in a restaurant window; and at once you remember the fine dinner you had yesterday. I say "at once," but the association is really not instantaneous; a few thousandths of a second elapse between your sight of the food and the memory of the dinner. The extra time required for an associated idea to rise is called the association-time. You may wonder how we can measure this time. The only proper thing to do is to go to a laboratory and see it done. Nevertheless I can perhaps indicate with sufficient clearness the method of operation. Suppose I have obtained, in the manner previously explained, your simple reaction-time, discrimination-time, and choice-time for visible objects, *e.g.* pictures. Now, if on seeing a picture you do not react at once, but on the contrary wait for some idea to associate itself before doing so, you have added the process of association. If you subtract the time required in the former case from the time required when association is added, you will get the association-time.

The practical importance of a more careful use of our knowledge of association-time is evident. A man who can think twice as fast as another will live just twice as long, although he will live just the same number of years. To-day mental phenomena occur at a much more rapid rate than they occurred a century ago. The difference between the sluggish Englishman of mediæval times and the quick Yankee of to-day is delightfully told in Mark Twain's "King Ar-

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thur." If it were possible to bring Sir Launcelot into the laboratory, his association-time would be found to be much longer than that of a trained Yale graduate. When the country-boy first comes to the school-room, every mental act, every thought, requires a longer time than it will require after proper training. Arithmetic is mainly a matter of association of ideas. So much time is given for doing a problem; at a signal all pencils must be dropped. The children are taught that slowness of thought means failure.

Another fruitful line of investigation is of time-memory. How can we train this ability in the best way? Rhythmic action, for example, involves time-memory and reaction-time. The conditions of greatest accuracy, the individual differences, the most common faults, the best methods of correcting them, can all be determined without difficulty. What is rhythmic action from a practical point of view? It is keeping step in marching and dancing, keeping time in playing musical instruments and singing, pulling an oar in exact time with the stroke. A proper knowledge of the laws of rhythmic action might make a change in the winning of a boat-race. I respectfully suggest to the oft-defeated Harvard crew that they all take a course in experimental psychology with special attention to reaction-time and time-memory. Indeed, it might not be a bad thing to give all our college boys a little more *mental* training! If psychology is practically applied in this way, the bulletins of the twentieth century may read in this fashion: "Yale was at this time half a length ahead, but gradually fell behind for some reason. After the race an examination of the automatic record made by each oar revealed that the rhythmic movements of No. 2's oar had dropped below the required regularity. The mean error from the average was great enough to cause a decided loss of power." We may also read: "Mr. B, of the Chicago eleven, has lately made several bad plays in passing the ball. Tests at the psychological laboratory revealed a large increase in discrimination-time." Again, "The noted sprint-runner, X, has a reaction-time of 0.13 of a second, which gives him an advantage of more than 0.1 second over his competitors." Many a truth is spoken in jest. Such a recording-apparatus for oarsmen has been planned, but has not been carried out because of the expense of preliminary experiments. Records on the reaction-time of runners have been made in my laboratory.

The subject of voluntary motor-ability is at present one of the most rapidly advancing departments of psychology. Given the will, or the volition, to perform an act, what will be the result? Our

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rapidity and accuracy of action depend on attention, fatigue, and habit. Rapidity is required by the typewriter, the typesetter, the stenographer, the violin- and the piano-player, the runner, and even the cigarette-girl who works by the piece. Accuracy is the essential for the mechanic, the carpenter, the draughtsman, the chemist, the billiard-player, the blacksmith, and endless others. Gracefulness in voluntary action is the proper adjustment of rapidity and extent of movement; it is almost entirely a psychological affair. Gracefulness is the condition *sine qua non* for the artist, the decorator, the orator, the actor, the dancer, and every society man and woman.

What would be more natural than for such persons to inquire of psychology concerning the laws governing rapidity, accuracy, and gracefulness? Since the advent of the new psychology such inquiries do not remain entirely unanswered. What a mistake it is to train a child to an occupation for which he has no qualifications! No one would expect a color-blind boy to become a great artist, or a girl with a swelling on the vocal cord to become a great singer. Yet we never think of inquiring if the boy who is studying to be a telegraph-operator, or the girl who goes to the expense of learning typewriting, can possibly succeed. There are certain boys mentally and bodily so constituted that the manipulation of the telegraph-key is almost certain, sooner or later, to end in the telegrapher's cramp, which puts an end to all future use of the key. There are girls so constituted that the mental processes involved in typewriting can never be made to go fast enough to ensure a respectable living. There are mechanics who can never obtain sufficient control over their fingers to do any accurate work.

I received not long ago a letter calling attention to the fact that large numbers of compositors were being thrown out of work by the introduction of typesetting machines. The question was asked: Could the psychologists give information regarding the qualities necessary for a successful operator of these machines? I suppose the idea was to test the men before encouraging them to learn a new trade. I am almost ashamed to repeat the reply that I was forced to give to one of the first practical, bread-and-butter questions that have ever been put to the psychologist. The only reply possible was, that we had in our laboratories the means of investigating and measuring nearly every mental and physical element involved in the case, *e.g.*, action, reaction, discrimination, association, attention, fatigue; that numberless investigations on just those elements had been made;

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that with a machine and a man to experiment on we could give clear and definite replies on every point; but that no psychologist had ever thought it worth while to inquire how rapidity and accuracy in mental operations could be developed by training.

The judgment of distances by the eye has received much attention. Suppose we take a line with two dots on it and try to put another dot on it just half-way between the two. An error is made every time. The average of the errors made in a set of experiments is characteristic of the person making them; it will vary with different persons, different training, fatigue, worry, inattention, and so on. The practical man or woman must seek to reduce this error as much as possible. Every free-hand artist, decorator, sign-painter, tinsmith, and bricklayer depends for his success on his accuracy of eye. A surgeon with a large average error will be liable to cut an artery that ought not to be touched; a seamstress will make uneven stitches. More than half the value of manual training lies in the education of the eye in this respect.

I have thus far apparently had little to say of the directly educational applications of psychology. The reason is this: By education we usually mean the word-cram and mind-deformation that characterize many of our public schools, whereas we ought to include every lesson, exercise, game, play, sport, or occupation that develops and improves our mental and bodily powers. There is as much education in playing (not in watching) a game of football as in construing a book of Virgil. Who will say that training in rhythmic action and gracefulness shall not have places in school beside percentage and syntax? The close connection that has arisen between the psychological laboratory and the gymnasium is an event whose importance cannot be fully foreseen. The education of *men*, instead of bookworms and mummies, will perhaps find, as it found in Greece, one of its chief exponents in the *mental* and physical training of the gymnasium.

The new psychology has not hitherto bothered itself with practical affairs, and has left the old psychology in full possession of the schools. Being convinced that the future of laboratory-psychology in America depends on the recognition of its value in practical school-work, I set one of the members of the laboratory at work on an extensive investigation of the laws of mental development in school-children. This subject was chosen as being the first object of attack; for before we can with clear consciences attempt to train the mental abilities of

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the child we must know how the child's mind acts and how it grows. Considerable work has been done on very young children, but although the school-children have been repeatedly measured in height, weight, and so on, their mental powers were uninvestigated. We have for the first time carried out careful measurements on the mental abilities of school-children. The experiments include color-discrimination, muscle-sense, reaction-time, discrimination-time, time-memory, suggestibility, rapidity of repeated movement, fatigue in voluntary movement, and the usual three physical measurements. The results, when arranged according to age, show new and unsuspected laws of mental development.

There is another way in which experimental psychology can be directly serviceable to education. It is possible in many cases to determine by actual experiment the best methods to be used in instruction. Suppose, for example, that a number of foreign words are to be associated with a number of English words: it is not enough for the educator to know how this is usually done; he must know how to learn to do it in the shortest time and with the least effort. With this in view I once made a few experiments, not with the idea of obtaining any definite results, but merely to try if there might not be a way of "experimental education." On each of eight cards I pasted a picture and a Japanese word in ordinary Roman letters; on eight more I put a German word (the experiments were made in Leipzig) and a Japanese word. These were shown successively several times to another person. Two days afterward half of each card was shown him, and he was asked to tell what was on the other half; *e.g.*, he saw a picture and had to give the Japanese word belonging to it. The results, for which I do not in the least claim scientific accuracy, can be arranged as follows: when the picture was shown alone and the word demanded, the correct answer was given three times out of eight; when the German word was shown, not a single time could the Japanese word be given; when the Japanese word was shown and the picture demanded, it was correctly given in every case but one, whereas the Japanese word was able to call up a German word only three times out of eight. Now suppose that this series of experiments, instead of being limited to a single occasion, had been extended till the results could claim the authority of numbers, then we could lay down the law that, in teaching the vocabularies of foreign languages, more than three times as rapid progress can be made by learning from pictures as from merely placing the words side by side.

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That is what everybody would expect; but, although we have Ollendorffs, Ahns, and a dozen more, no one has yet produced a reading-book of a foreign language in which the vocabulary is taught by arranging the words beside little pictures.

Now that the new psychology has opened the way to a new education, we may hope that, before long, thoroughly scientific methods of instruction will be introduced; that the worthless subjects taught will give place to a training where all the powers of mind will be properly cultivated; that the pounding of facts into the children will be replaced by a gentle but thorough development of their natural abilities, —in short, that school will no longer be a blight to child-life, but a fostering institution in which our boys and girls will bloom into full manhood and womanhood, fitted to be citizens of our country and to succeed in the pursuits and occupations that await them.

It is a trite saying that education must be based on psychology, but no one familiar with our present educational methods would suspect that the fact had ever been discovered. Scientific psychologists have not troubled themselves about every-day practical affairs, and educators have been content with the antiquated English and German psychology served up to them. The unbroken series of magnificent discoveries of experimental psychology are unknown outside of a limited circle, and Herbartian psychology is considered the very newest thing for educators. Now, Herbart was the John-the-Baptist of the new psychology, and to him more than to any psychologist of the past, except Sir William Hamilton, do we owe the freedom of psychology from mystical metaphysical shackles—the freedom that rendered the very existence of a science of psychology possible. But Herbart died in 1841, and the last edition of his great work on psychology was published in 1834. Think of using a text-book on chemistry printed sixty years ago! Would you for a bodily ailment call in a physician to whom the medical discoveries of the last half-century were unknown? The very spirit of Herbart was against such stagnation; his true disciples are not to be found in the ranks of slavish readers of his works, but in our laboratories. Although an experimentalist in the strictest sense, I, at least, am willing to go on record as an ardent admirer of his inestimable services to psychology and pedagogy. As for the English psychology, the less said the better.

The new psychology has arisen within the last forty years. From Aristotle and the Stoics to Fechner, Helmholtz, and Wundt, there is practically an unfilled gap in the history of psychology. The subject

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shows, as education must also soon show, the influence of the modern scientific awakening that has already transformed mathematics, physics, and chemistry from scholastic disputations into live sciences.

Twenty or thirty years ago it was supposed that a short-cut to a knowledge of mental life had been found in physiological experiments and brain-dissections. Cerebral physiology, however, has contributed nothing whatever to introspective psychology. On the contrary, physiological psychology—that most interesting of all sciences which treats of the relations of mind and brain—*presupposes* not only a minute anatomical knowledge of the brain, but also a well-developed introspective psychology with carefully ascertained and accurately measured facts. The confusion of the psychological laboratory with the neurological laboratory, and of experimental psychology with physiological psychology, has led to the popular belief that we experimentalists are merely disguised materialists. This belief has been fostered by many non-psychological writers.

The fundamental method of the new or laboratory psychologists does not differ from the method of Aristotle, namely, direct observation of facts. Galileo modified this method for physics by introducing careful experiment and measurement; Fechner did the same for psychology. The characteristic of the new psychology does not lie in supplanting introspection by some materialistic theory, but in the substitution of accurate and trustworthy introspective methods for the guess-work and speculation of the past.

To the seeker for knowledge the mediæval psychology had nothing to offer but vague and wordy discussions of the *ego*, the self, the nature of mind, the continuity of consciousness during sleep, etc., which were as far removed from affairs as mediæval metaphysics. We Americans are a practical people and apply the standard of usefulness even to scientific pursuits. The new psychology, however, is not afraid of being tested in this way. With the proper laboratory-equipment (we need as good accommodations and apparatus as a physical laboratory) and with enough earnest, scientific workers (of whom we have not half enough), we can do as much for education and mental life in general as physics does for railroads, bridges, and electrical engineering.

E. W. SCRIPTURE.

Readers wishing to learn more in regard to experimental psychology can best consult Wundt's "Lectures on the Human Soul,"

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of which a translation by Profs. Creighton and Titchener is about to appear. There is yet no complete American work on the subject. Single chapters have been written by Jastrow, "Time-Relations of Mental Phenomena," New York, 1891; and by Sanford, "A Course in Experimental Psychology," Boston, 1894 (on the senses only). Articles on the educational applications of psychology appear occasionally in the "Educational Review."

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ENGLISHMEN: HOW THEY SPEND THEIR MONEY.

VARIOUS epigrams offer keys to unlock the characters of men. One suggests that a man may be known by what he eats; another that a man may be known by what he laughs at. These two, and most other such keys to character, have the defect of depending for their truth upon subjective rather than upon objective experiences. It is not so much that which impresses a man, as it is that by which a man expresses himself, that most accurately reveals his character. The words and sentences and common phrases of this man or that would be far better tests than what he eats or what he laughs at. But better as indications of character even than his habits of speech are his habits of spending his money. Not what books a man laughs at, not what books a man talks about, but the books a man buys and keeps, are the books he loves. What a man spends himself for, gives himself for, body, blood, brain, and reputation, is, it must be supposed, what he loves best. Money is the blood and the life of the body domestic and of the body politic; and when one discovers how a household or a nation spends money, one has something tangible to hang guesses at character on.

The people of one locality can never be made completely familiar with the temper, tone, and atmosphere of the people of another locality, from a distance. Englishmen read of America, and Americans read of England; and yet both Englishmen and Americans find, upon personal acquaintance with one country or the other, that there is a certain *je ne sais quoi*, a vapourish something that has not been communicated nor even brought much nearer by steam and electricity. One may know all about the situation, the geology, the fauna, the flora, the climate, the population, the industries, even the laws and customs of a place, and still miss entirely its personality—just as photographs and letters and the descriptions of a third person cannot transfer the real presence of an individual. It is due to this deficiency of acquaintance that one may still, in spite of all that has gone before, endeavour to add a touch to the picture, or a word to the description, that has been sent thousands of times already from

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England to America. Even although one may not know a man or hope to know him as his intimates know or have known him, there are suggestions and stimuli to be had in plenty from his biography.

As Mr. Bryce wrote in the "American Commonwealth," in spite of much political machinery which works badly and many social characteristics which seem to point to disaster, there is a certain something of buoyancy, of vigour, of hope, in the Americans that convinced him of their future triumph over all difficulties. The same is true of Mr. Bryce's own country. When one looks over "John Bull's" cash-account, one is not only impressed but oppressed by the gigantic incongruities. Yet a patient study of it throws much light upon his burly figure and puzzling character.

This inhabitant of a misty, moisty island, who shoots himself rather than miss meeting his gambling-debts on the minute, but who scruples not to kick his tailor down stairs for pressing a bill three years over-due; who all along his coast forbids men and women to go in bathing together and will not allow a man to accompany his wife into the water; and who yet spends $700,000,000 yearly for drink,—finally caps the climax of inconsistency with a State church worth in its own right over $500,000,000, and toward the support of which he contributes more than $36,000,000 a year. Here is a little kingdom of 121,115 square miles, with a population of 38,500,000, controlling possessions aggregating 9,145,328 square miles, and 346,025,500 in population; and in addition to this enormous burden of foreign responsibility, England alone, with a population of 28,000,000, has almost 1,000,000 persons enrolled as paupers; is taxed to the amount of $75,000,000 a year for their support; and spends $19,002,405 a year, under the general head of Law and Justice, to keep her population in order. When, in addition to these trifles, it is recalled that "John Bull" has had Semitic transactions in the past to the amount of $3,355,214,210, which he dubs the National Debt and upon which he pays annual interest at from two to three per cent, the wonder of less sturdy and less phlegmatic people grows apace. There must needs be colossal strength and pluck, marvellous financial elasticity, tremendous earning-power, and a reservoir of national virtue somewhere, to explain these huge incongruities. One begins to understand the reasons for the superb self-confidence of "John Bull," which "Johnny Crapaud," and "Uncle Sam," and others are fain to call conceit, or obstinacy, or stupidity, as the

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occasion demands. These brief glimpses of the expenditures, burdens, and responsibilities of "John Bull" explain why that gentleman's portrait shows a broad-faced, big-waisted, heavy-shouldered, piano-legged countryman, with a bull-dog at his heels. Only a slow man, a safe man, a man without nerves, who can eat and drink copiously, and sleep dreamlessly, and shake off small annoyances easily, can keep his place in the world with such burdens upon his shoulders. And when we look a bit farther into his book-keeping, we find this to be the case. He spends $370,000,000 a year for bread; $185,000,000 for butter and cheese; $405,000,000 for milk, sugar, tea, coffee, and cocoa; and he washes down these tid-bits, and some millions of tons of beef, mutton, pork, rice, and potatoes besides, with heavy malt liquors, brandy, whiskey, and wine, which cost him the tidy additional sum of $700,000,000 a year.

But "John Bull" is not greatly disturbed by these significant figures. On the contrary England is the most hopeful of all the nations. There is less political pessimism than in America, in France, in Germany, or in Italy. Compare the speeches delivered in and out of Parliament by politicians big and little, with the speeches delivered by the politicians of even buoyant America, and one is struck first of all by their healthier tone. One hears less of going to the bad, although political criticism is often harsh and personal. Every now and again in Germany, in France, and in America, there is an undertone of discouragement, of despair, as of men whose nerves had collapsed and left them peevish. England, with her impending problems of Labour, Landlord, and Democracy, might well be considered to be in as great straits as Germany with her Socialism, her huge Army-Bills, and her will-o'-the-wisp of a Kaiser, who every month or so is off kissing sovereigns; or as France with her sullen jealousy of Germany, her short-lived Cabinets, and her turbulent Imperialist, Royalist, Clerical, and Radical parties; or as the United States with their politically-rotten municipalities, their labour problems, and their unwieldy Congress. But, though the problems are faced as courageously and discussed as frankly in England as elsewhere, there is no throwing up of hands in despair,—no dyspeptic politics, to put it briefly. The men in control are men who eat and drink and sleep and play more than the men of other nations, and their nerves are not so near the surface. A quicker, more sensitive, less good-natured individual than "John Bull" would be goaded into extreme measures by some of the precedent-supported blundering in

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his political household. The moment one investigates the poor-laws, the ecclesiastical system, the school arrangements, the method of administering justice, one is compelled to admire the rough optimism which can submit good-humouredly to the awkwardness of methods which are retained merely because they are the methods of the forefathers. Factory-hands, small-farmers, clerks, shopkeepers, labourers, farm-hands, live—even in the country towns where there is no excuse for crowding—in small, cheaply-repaired houses, such as hardly exist in the country districts of America.

In the time of Henry VIII. one-fifth of all the land in England was in the possession of the Church. Much of it was then and has been since then distributed by royal favour and royal grants. Go where one will in England to-day, and upon questioning the inhabitants of this town or that as regards the ownership of the land, one finds that a few squires are in possession of all the land, and not only the farmers but the townspeople themselves are their tenants. These landlords have inherited or purchased these large holdings, first because in years gone by land rents paid well, and secondly because peculiar social advantages and certain political preferences as well as direct political influence over the tenants attached, and still attach, to large land-owners. Men who make a great deal of money, almost without exception, invest a part of it in country estates and lay the foundations for social and political power in this or that county. Lest this should lead to the opinion that we are wrong in thus suggesting that many of England's great land-owners are "new people," it is fair to add—what is not generally known—that only five out of more than five hundred of the oldest aristocratic families in England at the present time can trace direct descent through the male line to the fifteenth century. One realizes, therefore, that it is not in America only that the purity and pride of ancestry are likely to be in direct ratio to the income of the living representatives. So far as this matter of land is concerned, the great majority of Englishmen are tenants, and "John Bull" pays a trifle more than $300,000,000 a year for farm-rent alone. This fact becomes the more clear, and, one may add, the more lugubrious, when it is said that there are 72,000,000 acres of land in the United Kingdom, and that 50,000,000 of those acres are owned by 15,000 persons, and 30,000,000 are owned by only 1,000 persons; in a word, 38,485,000 inhabitants of Great Britain have 22,000,000 acres, and the other 15,000 have 50,000,000 acres; or, more concisely still, 1,000 Englishmen own

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five-twelfths of all the land in Great Britain. That this arrangement is becoming less and less profitable is shown by a comparison with a country like France, for example, where the land is in the hands of small proprietors. A return issued by the French Ministry of Agriculture in 1888 gives the population of France as 37,672,048, of which the rural population was 24,575,506, or 65 per cent, and the urban population 13,096,542, or 35 per cent. On the other hand the census return for Great Britain of 1891 shows a shocking and deplorable retreat from the land, 71.7 per cent of the population being urban, leaving only 28.3 per cent of the population on the land.

Thus it is seen that the first and a fundamental and unavoidable payment by an Englishman is always for rent. Indeed he pays about $8 a year—every man, woman, and child—just for a footing on the island. In addition, with big-hearted good nature, he submits to the most ridiculous poor-law in the world, and pays at the rate of $1.50 a head for the support of the poor. Up to 1834 the matter of poor-law relief had been going from bad to worse, until at last the land was taxed so heavily for the support of the poor that the farmers could not afford to cultivate it. Then came a change and a gradual remodelling:

	Population.	Paupers.	Expenditure.
In 1841 . .	15,911,757	1,299,048	$23,804,645
In 1851 . .	17,927,609	941,315	24,813,520
In 1861 . .	20,066,224	883,921	28,894,715
In 1871 . .	22,712,266	1,037,360	39,433,620
In 1880 . .	25,323,000	808,030	40,075,050

Of this sedulously cultivated army of 808,030 parasites, 627,213 are supported by outdoor relief, and 115,785 of them are classed as able-bodied! These sums of money mentioned in the foregoing table are, it must not be forgotten, quite outside of the enormous sums expended in private charities. The city of London alone, it is said, contributes more than $25,000,000 a year in private charity; and the various temperance societies alone—and they are a drop in the bucket among charities—spend every year an amount represented by a capital of $12,000,000 in a rather Liliputian attempt to prevent the British giant from lifting his costly $700,000,000 drinking-cup to his lips. By way of comparison: Careful estimates put the number of paupers in the United States at 250,000 outdoor, and 110,000 indoor, out of a population of 65,000,000 in 1890.

Only the rich can own land in a country where 28,000,000 people

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spend $700,000,000 for drink, $40,000,000 for the official, and almost as much more for the private care of their incompetents; and where land itself cannot be bought at its agricultural or productive value, but must be paid for at the artificial valuation that it has acquired through this feudalistic desire on the part of rich men to own large estates. When one hears—and one does hear it on every side—how poor Englishmen are just now, one has in this land-question the very heart of the secret. It is not so much a material, or mechanical, change that has taken place, as a spiritual change. Democracy is in the air. Men can have liberty: that has been proved. And many more men want it. The tenants on large estates forty years ago were to all practical intents and purposes political slaves, and to some extent they are slaves still. They find their rights and their freedom in the cities, and they flock thither; and it is a combination of democracy and land-holding by a few that has so radically changed the grouping of the population of Great Britain into 71.7 per cent in the cities and only 28.3 per cent in the agricultural districts.

One is led naturally enough to inquire what the Church is doing to modify or even to influence this condition of affairs. And here again one is startled to find only another indication of the superb vitality of British optimism. The land-question is an important factor in all ecclesiastical problems, because the ecclesiastical system includes as many incongruities and contradictions as can well be imagined. In the first place, the Church of England holds fast to the three orders of the clergy, to tactual succession, and to the indelibility of its ordinations; and yet all the bishops and the two archbishops are appointed by the Prime Minister, who is a layman and who may be a hard drinker and a man of loose living, like Walpole, for example, or the owner of a great racing-stable, like the present Prime Minister, the Earl of Rosebery. In the United States one church is as good as another, and even a little better than any other. The men and women of each congregation control the church property—the preacher being all too often considered as church property as well—and choose their own preacher; and even in the American Episcopal Church, any particular bishop would find it difficult to interfere successfully with any particular congregation's choice of a rector. There is, too, in almost all of these congregations, a noticeable, not to say very remarkable, alliance between wealth and goodness, since the church officers are almost invariably the wealthiest

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men in the congregation. What, then, is the astonishment of "Uncle Sam" to find that "John Bull" says his prayers under totally different control. The great majority of the churches of England are private property. When a large estate is purchased, the parish church, or churches, go with the rest of the property. The landlord—or the patron of the livings, as he is called with reference to his relations to his church property—chooses the clergyman for every parish on his property and sees to it that the revenue attaching thereto goes to him. He can sell this church-living or let it to whom he will; and, although each incumbent is put over the parish for life, at his death the patron may again bestow it upon some one else. So secure was this tenure of the parson in his parish, that it is only recently that an act of Parliament permitted his dismissal even for drunkenness or debt. The people of a parish have well-defined rights to the services of the parson, to sittings in the church, to burial in the church-yard, and to the sacraments, but to little more. George William Thomas Brudenell Bruce, fourth Marquis of Ailesbury, who died the other day, was the patron of nine such livings. He married a girl of unexceptionable immorality from the variety stage, was part owner of several music halls, and acquired notoriety as having been ruled off every race-track in England as a cheat and a blackguard. There is always a large number—probably two thousand out of the total of thirteen thousand—of these livings for sale, which are advertised just as other investments are. A wealthy man's daughter marries a clergyman, and the father—if he be of the right sort—purchases one of these livings and presents it as a wedding-gift. A clergyman with capital at his disposal invests some of it in such a purchase, and enjoys the income thereof and an agreeable way of exercising his professional energies at the same time. The clergyman's social position is greatly improved in the last hundred years, and he no longer sits below the salt at his patron's table or contents himself with marrying the lady's-maid. A son of the Marquis of Salisbury is a clergyman and enjoys the living on his father's estate at Hatfield. Many younger sons take to this profession, and with reason, since it is the only one in which a man may retain all the prerogatives and privileges of a gentleman and have all the amenities of social courtesy shown him without the possession or the expenditure of money.

On finding out this much about the State Church of England, one expects to find one thing and finds quite another thing. In the city—and in the country districts as well—these men are the dullest

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men in the pulpit and the most companionable men out of it to be found anywhere. But they work hard and conscientiously, and they are as a rule popular,—very often indeed the most popular,—and with the greatest influence for good in their several communities. The demand for disestablishment of the Church is seldom bolstered by any argument from the laxness or incompetency of the clergy. The demand is based rather upon such arguments as these: that the State should represent the whole people in religious as in other matters; that Parliament is an unfit body to deal with church matters; that establishments obstruct political and social reforms; and that established churches, being subject to State control, cannot possess a certain necessary liberty of adaptation.

In the last quarter of a century the established church has collected and spent the enormous sum of more than $405,000,000 in domestic and foreign missions, in renovating old churches, and in establishing new ones, and in founding and supporting institutions for carrying on the different branches of its work. The church population of England is estimated at 13,750,000, or almost one-half of the total population; and, whatever be the comparative strength in numbers of the established and the dissenting churches, there can be no question of the superior influence of the 23,000 clergy of the established church. Whether the system be right or wrong, these clergymen are, man for man, stronger men than the dissenting ministers; and not only in the palaces, but in the slums also, they wield a more constant control.

It is only within a generation that the British government has felt it to be a paramount duty to aid in the work of national education. Until the act of 1870 the schools receiving State aid were schools founded and controlled by one or another of the religious denominations, with the Church of England of course in the van. Even now these voluntary or denominational schools provide accommodations for two-thirds of the elementary school-attendance in England and Wales, or for 3,651,511 children. In 1870 there was introduced what is called the School-Board System, by which it was provided that any deficiency in school accommodation in any district must be supplied by a school-board elected by the ratepayers. These two—the voluntary or denominational and the school-board systems—now provide the elementary education for the country at an annual cost to the State of about $17,500,000; to which must be added the heavy annual expenditure by the denom-

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inational agencies, that of the Church of England being by far the largest.

One may judge, therefore, that "John Bull" is a burly, good-natured, easy-going gentleman, but with a keen eye to Number One withal. He houses himself and has a bit of land at a cost of $650,000,000; he then spends $960,000,000 for food, $405,000,000 for tea and the like, and $700,000,000 for something stronger.[1] Having made himself personally comfortable at a cost of $2,655,000,000, he puts $379,265,395 on one side for a rainy day; and, undisturbed by the fact that he is in debt $3,355,214,210, or by the even more serious and fateful fact of his 1,000,000 paupers, who cost him $45,273,215 a year, he takes little holiday journeys every year at an

[1] It is with considerable difficulty and after much correspondence with various authorities that a rough but not inaccurate classification of a few of "John Bull's" yearly expenditures has been made:

Annual expenditure for drink	$700,000,000
" " " milk, sugar, tea, coffee, cocoa	405,000,000
" " " bread	370,000,000
" " " butter and cheese	185,000,000
" " in rent paid for farms	300,000,000
" " " " houses	350,000,000
" " for woolen, cotton, and linen goods	345,000,000
" " " railway fares	140,000,000
Number of depositors in postal savings banks,	5,452,316
Amount deposited during the year 1892	114,225,155
Total amount to the credit of depositors, including interest (end of 1892)	379,265,395
"John Bull" is taxed for the relief of the poor	45,273,215
" " " " and contributes for elementary education	17,500,000
" " " " to preserve order and to administer justice	20,000,000
The Chancellor of the Exchequer proposes to raise this year	478,745,000
"John Bull" is in debt, at the present moment	3,355,214,210
" " contributes to the Established Church	36,250,000
"John Bull" contributes to private charity in London alone	25,000,000
The Established Church of Scotland costs him	2,209,000
The Free Church of Scotland costs him	3,120,000
United Presbyterian Church, Scotland and Ireland	1,861,245
" " " of England	1,188,250
Methodists, various bodies	2,476,235
Jews	750,000

The sum spent annually for the two amusements of hunting and horse-racing runs up into millions of dollars.

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expense of $140,000,000, and he is nabobishly extravagant in his expenditures upon horse-racing and hunting. Having thus arranged to eat, to drink, and to be merry at a cost of at least $2,800,000,000, and probably more, he gives his house-steward, the Chancellor of the Exchequer, $478,745,000 to keep up his army and navy, to help along his very halting and inefficient system of elementary education, and to pay his State servants. Then he turns to spiritual things, and spends $36,000,000 a year on his $500,000,000 endowed church, of which Mr. Ruskin said: "Our national religion is the performance of church ceremonies and preaching of soporific truths (or untruths) to keep the mob quietly at work while we amuse ourselves." In addition to this he is generous to a fault in his munificent private charities, and extremely indulgent to some 250 other religious sects.

When one tries to portray the people of Great Britain as a person, one is forced to acknowledge that the caricaturist is the best portrait-painter. The stout, well-poised figure, of the florid complexion, with a riding-crop in his hand, and his hunting-boots on, having the general air of a prosperous and well-preserved grandfather, is a fairly good likeness. Nor is it to be forgotten that the most striking element in the life of "John Bull" in the last one hundred years is the vast increase in the wealth, power, and numbers of his grandchildren. The Dominion of Canada and Newfoundland have a population of more than 4,500,000, which is a population equal to that of Sweden; the West Indian group of islands a population of 1,500,000, equal to the population of Greece; the South African colonies a population of 1,750,000; the Australian colonies about 3,000,000, equal to the population of Switzerland; while the population of India is nearly 198,000,000, and the native States about 57,000,000 more. The total, as Mr. J. R. Seeley writes, makes a population roughly equal to that of all Europe excluding Russia. England can afford, perhaps, to be a little careless of small economies, when she has built up such barriers as these against disaster, and to be less bothered about the minor details of housekeeping than coquettish France, or beer-and-philosophy-*ertrunkener* Germany, or bankrupt and volatile Italy. Certainly if one were not an American, one would choose to be an Englishman; and, if one were not an Englishman, one would choose—but, as for that, no one ever saw or even heard of an Englishman who could conceive of himself as anything but an Englishman; nor, for that matter, can any one else conceive of his being

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anything but an Englishman. The rest, therefore, must be left blank, to be filled in, in heaven, where at last British angels will discover to their horror and amazement that other people also become angels after death, and possibly in quite as large numbers as Englishmen.

PRICE COLLIER.

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THE PAY OF PREACHERS.

THOSE who are moved to declare the "unsearchable riches of Christ" do not enter the ministry because they expect a large share of the riches of the world. Other considerations than pecuniary remuneration usually decide this matter. The preacher's is a position of usefulness, of power, of prominence, and of trust. It assures a high place in the best society; it confers a certain authority in matters of learning; it commands confidence, respect and preference; and in public meetings of many kinds it gives large opportunity for the exercise of the arts of speech. The village minister usually outranks that autocrat, the village doctor, in power and popularity. Add to these advantages the satisfaction which comes from the consciousness of moulding character, reforming lives, and marshalling the forces of good against the forces of evil, and you have a sum of attractions of no mean value. We like to believe that a young man has in mind considerations such as these, and not pecuniary profit, when he yields to the unspoken but imperative personal call which he recognizes as from above. That men are never moved by the thought of income it would be, however, too much to affirm.

St. Paul did much of his ministerial work at his own cost. There are a few denominations which approve the precedent and protest against a hireling ministry; and their ministers work at their trades and do not expect to give their whole time to the ministry of the Word and to prayer. Were they to do so, they must either starve or be supported by the proceeds of the labor of others. These sects usually have a plural ministry, there being several ministers at every place of worship who are accustomed to exercise their gifts for the edification of the brethren. Their churches are, of course, little more than stated meetings for worship, with few or none of those auxiliaries which make the highly organized church of other denominations a complicated institution. The modern church, with its numerous Sunday and week-night services, its societies, missions, and other agencies, its weddings and funerals, and the social and

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pastoral duties it requires the minister to perform, must have the whole time of at least one pastor, and often two are kept busy. A large degree of executive ability is necessary successfully to superintend the almost endless series of organizations for congregational and benevolent work. The minister in charge must have the capacity of a general to command all these forces and evoke their zeal and energy.

The Society of Friends, having tried the system of an unpaid ministry, is adopting the nearly universal custom and providing pastors for their meetings. At a General Conference in 1892 they declared in favor of "a proper pastoral system," and announced it as a duty to make "such provision as may be necessary for the support of those who give their time to the work, so that the Gospel may not be hindered, nor the shepherding of the flock be impaired, by the want of pecuniary means." The innovation is likely to be destructive of the period of silence which used to be a feature of Quaker meetings, and which the modern custom of Scripture-reading has already modified. The number of those who "find no outward ceremony, no observations, no words, yea not the best and purest words, even the words of Scripture, able to satisfy their weary and afflicted souls," would seem to have greatly decreased.

This fact should be kept in mind in comparing the income of ministers with that of persons in other employment: that the pay of the preacher is always derived from voluntary contributions. The lawyer, the physician, and the lecturer fix their charges and collect them on business principles. College professors receive a regular salary from funds derived in part from endowment and in part from a system of fees. Theoretically the gospel is free. Practically it is not. No price is demanded for admission to any church service, except in Catholic churches on special occasions, and there are few endowments. The funds are raised by voluntary subscription, either in the form of presents or monthly payments, and by plate collections. A member of a church may pay as little or as much as he chooses, according to his means and his sense of obligation and his generosity. The pew-rental system seems to commend itself most generally as ensuring the largest and most certain results. It confers privileges which most families are willing to pay for, though it is open to the objection that it necessarily limits the privileges of the poorer classes, who are not able to pay the assessment which the trustees put upon the better pews. But no one is turned away be-

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cause he cannot rent a whole pew or even sittings. In every church there are some who pay no stated sum. It is not a mercenary rule which Christianity lays upon all worshippers to contribute, according to their means, to the necessary expenses. Practically this voluntary system yields large and increasing returns. I cannot forbear to give an illustration or two. The Methodist Episcopal Church collected in 1893, for ministerial salaries and the current expenses of its congregations, $13,940,832; the Regular Baptists, Northern, Southern, and Colored, $7,986,465; the Congregationalists, $7,140,092; the Presbyterians (North), $11,778,053; the Episcopalians (including benevolent objects), $13,327,000. The increase in the Methodist figures in three years, 1890–93, was $2,894,020; in the Presbyterian, upward of $500,000; in the Congregational, in ten years, $3,196,865.

The ministerial salary, moreover, it must be remembered, is affected by the same causes that affect the salaries of men of other professions and employments. Everybody knows that salaries generally are higher in the cities than in the towns and villages, and in the Northern than in the Southern States. The churches as employers form no exception to this rule. The salaries paid by city churches are much higher than those paid by rural churches; and the average ministerial salary in the Northern States is considerably greater than the average in the Southern States. There is also a difference, equally marked, between the higher salaries paid by churches of the older and more wealthy denominations and those paid by churches of comparatively small means. Then, too, it is a well-known fact that in some denominations the duty of liberal giving is much better understood and observed than in others. Germans and Swedes and other foreign-born people do not give as much for church expenses as the average American congregation; perhaps because they are more economical and do not need to. A difference of custom also respecting perquisites affects the income of ministers. Those of all denominations get fees for weddings; but among the Germans it is considered quite proper to offer gifts for baptisms, confirmations, and funerals, as well as for weddings. The German minister often gets as much in fees as in salary.

Bishops form a class of ministers who should be considered separately. Their average income is, of course, much in excess of the income of the body of the clergy. In the Protestant Episcopal Church it varies from $3,000, with $300 for official and travelling expenses, paid to the bishops of missionary jurisdictions, to $12,500,

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including allowance for house-rent. This is the highest salary paid an Episcopal bishop in this country. So far as I have been able to ascertain there is no other bishop who gets as much. One bishop has $9,750 and a house; one has $6,500; two have $6,000 each; three, $5,000 each; and one, in the Central West, only $3,300. In most cases a residence is provided free, and often an allowance of $1,000 or less is added for a secretary, or for expenses. I suppose that $5,000 might be taken as the usual salary of an Episcopal bishop. In some cases the income is derived entirely from invested funds; in other cases, in part from endowments and in part by assessments on the churches. The social duties of a bishop are large, and his expenses and charities are quite heavy.

The bishops of the Methodist Episcopal Church, of whom there are sixteen, besides two missionary bishops in foreign fields, were formerly paid out of the profits of the Book Concern. Now they are paid from an episcopal fund which is apportioned among the Conferences and paid by the churches as an annual collection. Each bishop receives an amount thought to be sufficient for his "competent support," the number and condition of his family and other facts being taken into consideration. The salary is about $3,500, plus $1,500 for house-rent. As Methodist bishops are itinerant and not diocesan, and take frequent journeys, often across the continent, and periodically almost round the world, their bills of travel must be considerable. These are paid independently of the salary. To the salary of about $5,000, a considerable addition is made by receipts for sermons delivered at church dedications and on other special occasions, and for lectures. The bishops of the Methodist Episcopal Church, South, receive $3,600 each, which sum includes salary, house-rent, and travelling expenses. One would think some economy would be necessary to do so much with so modest a sum, even with railroad passes or half-fare tickets and more or less free entertainment. The pay of Catholic bishops ranges, I am informed by excellent authority, from $3,000 to $5,000, with a house. In some cases the diocese raises little or nothing in the way of a *cathedraticum*, particularly in the South and in some of the newer Western fields, and a small amount is paid from the missionary treasury. The *cathedraticum* is assessed on the parishes according to their ability to pay, and ranges from $10 to $100 or $150 a year, as much as $200 being paid in a few instances. The archbishops usually occupy the stronger sees, as New York, Baltimore, Philadelphia,

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Boston, Chicago, St. Louis, Cincinnati, and receive about $10,000 a year.

There are, in the various denominations, including the Roman Catholic with 86, about 240 bishops. With a few exceptions they hold their offices for life, and are in all denominations the most honored and influential men in the ministerial ranks. It would be quite fair, I suppose, to compare the salaries of bishops with those paid to the presidents of our universities and colleges. According to President Harper,[1] sixteen college presidents receive each $5,000 and upward. Of these only one gets as much as $10,000, ten receive $5,000 each, and four various amounts between the two sums. The highest salary paid to a bishop, so far as I know, is $12,500; but quite a number get $10,000 each, and many receive amounts varying from $5,000 to $10,000. Their average salary cannot be far from $5,000, while the average salary of college presidents seems to be a little more than $3,000. In the Methodist Episcopal Church there are salaried officers, elected by the General Conference, such as editors of official periodicals, publishing agents, and secretaries of the missionary and other benevolent societies. Many of these get a salary of $5,000 a year each. This is about the amount that is paid the secretaries of benevolent boards in other leading churches. These positions are almost invariably occupied by ministers.

The Methodist Episcopal Church, the parent body of the large group of Methodist churches in America, has more ministers by far than any other denomination. It reports about 16,500 travelling preachers, as they are called, in distinction from local preachers who do not give their time to the ministry. Deducting those who are on the "supernumerary" and "superannuated" lists, and others who are not in the pastorate or who are in foreign lands, there are, perhaps, 12,000 who, as pastors and "presiding elders," derive their support directly from the churches. The amount raised for pastoral support is, in round numbers, $10,170,000. This includes what goes to the bishops and to the "presiding elders." Making allowance for the episcopal support, the average salary is about $847. This represents not only the actual salary paid, but the rental value of the parsonage. This average is undoubtedly much lower than it would be if the churches in the South, both white and black, were omitted. The denomination does not embrace many of the class of well-to-do Southern whites. It entered the South after the war.

[1] THE FORUM, September, 1893.

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The Methodist Episcopal Church, South, had long been established, was strong, and has since increased rapidly. The salaries of both white and colored pastors of the Northern Methodist Church are supplemented in many instances by small missionary appropriations. In one white Conference the average amount raised is as low as $150; in another, on the border, it does not exceed $350. In colored Conferences it is a little higher. Where the church is in a normal condition the minister fares much better. In Iowa, which is a rural State, the average salary in two Conferences is not far from $850; in a Pennsylvania Conference of similar character it is about $935.

The highest salaries paid by Methodist churches in the cities do not compare favorably with those of Congregational, Episcopal, or Presbyterian congregations. There is only one instance, I believe, where salary and house-rent aggregate as much as $7,000. Five churches pay from $6,000 to $6,500 each; eight from $5,000 to $6,000; twenty-six from $4,000 to $5,000; and seventy-five from $3,000 to $4,000. This makes a total of one hundred and fifteen churches which pay from $3,000 to $7,000. More than a third of these are in New York, and another third are west of the Alleghanies. Outside the cities the salaries range usually from $2,500 downward, many a place paying only $500 with a house, even to a pastor with a family. There is, of course, an income, varying according to the financial and numerical strength of the congregation, from wedding fees, which is usually considered as the perquisite of the pastor's wife. A Western pastor, who receives a salary of $3,000 a year, writes me:

"I believe the average Methodist preacher gets about $100 a year in wedding-fees. Of course the more prominent pastors receive much more. My own wedding-fees, with funeral-gifts, amount to $500. Many ministers like myself do considerable lecturing. I cleared $1,000 in this way last year."

Donations form another source of income for the country minister. In one Methodist Conference of 203 churches, of which only 38 pay as much as $1,000 each, returns are made for donations and deficiencies in salaries. The deficiencies aggregate $1,719 and the donations $7,235. In some cases the donations are more than sufficient to make up the deficiencies. Thus, in one instance where $100 of the salary was not paid, the donations amounted to $137. But the balance is not infrequently on the wrong side—thus: deficiency $70, donation $15; deficiency $50, donation $10. The average amount from this source in that Conference is about $35 to each pas-

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tor. In the Methodist Episcopal Church, South, the second largest Methodist body in the country, but few pastors receive as much as $4,000, and none more than that sum. The average, as reported to me, is not beyond $500.

The Congregationalists are very liberal toward their ministers. When the last returns for salaries were made, (in 1889), there were about 4,700 churches, and they reported 3,344 salaries. The amount raised for the purpose, including house-rent, was $3,500,000, which made an average of $1,047. This is considerably higher than the average Methodist salary. The highest average in any State or Territory in the Congregational table is $1,727, which obtains, not in any of the New England strongholds of Congregationalism, but in Utah. The average salary in Massachusetts is $1,474, where there are 111 of $2,000 and upward, and 182 of less than $1,000. There are two churches, both in Boston, which pay $7,000 each; three which pay $6,000 each; four $5,000; and five $4,000. The highest salaries, however, are paid in New York and Brooklyn. Three churches in Brooklyn pay $10,000 each; one in New York, $16,000, (now, I believe, $12,500); others in Brooklyn, $8,000, $7,500, $5,000, $4,000, and $4,000 respectively; and others in New York, $6,000 and $5,000. In Chicago there is one salary of $8,000; two of $6,000; and one of $4,000. There are in the denomination 36 pastorates which yield each $5,000 and upwards, and 105 which yield from $3,000 to $5,000. There are four prizes of $10,000 or more; twenty-one of $6,000 to $10,000; and eleven of $5,000 to $6,000.

The Presbyterian Church gives no returns for salaries. It is very strong financially, as everybody knows, and pays its ministers well, as well doubtless as the Congregational ministers are paid. No less than $15,000,000 were collected by it, according to last year's reports, for various purposes, of which about $10,500,000 were for congregational expenses, including the salaries of ministers. These contributions were made by about 855,000 members gathered into about 7,300 churches. A careful estimate shows that the average salary is between $1,000 and $1,200 a year. So far as I can ascertain there are eight or ten pastorates which pay each $10,000 or more, of which six are in New York city. One pays as much as $15,000, besides the use of a parsonage. Many will guess without much hesitation that this particular church is a New York church, and will point to the fact that it collects about $50,000 a year for "congregational expenses," as much more for miscellaneous purposes, and

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gives $36,000 besides to home and foreign missions. No one thinks its great preacher and genial, large-hearted pastor receives a farthing more than he earns and ought to receive. It is not quite the largest church in the denomination, reporting 2,438 members. Besides the Fifth Avenue Presbyterian "cathedral," as it has been called, there are many strong churches in New York, Brooklyn, Philadelphia, and Chicago. Two in the last named city pay $10,000 each, one $8,000, and another $7,000. Two in Baltimore pay $5,000 and $6,000 respectively; one in Michigan, $6,000; one in Cincinnati, $5,000. Eleven in New York city pay from $5,000 to $8,000. Three pay $8,000 each. The number of churches paying from $2,500 to $5,000 is quite large. As a rule the Presbyterian minister is liberally provided for.

The United Presbyterian Church, which has complete statistical tables of the salaries paid by its churches for many years, has successfully endeavored to increase the average salary. In 1870 its ministers received, on the average, with appropriations from a fund established to increase insufficient stipends, $787; last year the amount had risen to $1,035. Its highest salary is about $4,000.

In the Southern and Cumberland Presbyterian Churches the minister's income runs much lower. In the former the highest salary is $4,500. From this figure, which does not appear very often, there is a descent to $100 or even less. Several churches often unite in the support of a pastor. In Alabama five churches in one case pay $522; in another, $615. The custom of providing parsonages is by no means so general as in the North.

The wealthiest denomination in the United States, if we estimate denominational wealth according to the average value of the church edifices and sites, is the Jewish. The next is the Unitarian, the third is the Reformed (Dutch), and the fourth the Protestant Episcopal. The average value of the churches of Reformed Jews is $38,839; of the Unitarian, $24,725; of the Reformed (Dutch), $19,227; and of the Protestant Episcopal, $16,182. The Episcopal Church is, however, much more widely distributed than any of the other bodies named. The Jews are almost entirely in the cities, and the Reformed Jews also are largely so; but the Episcopalians are found not only in all the larger cities, but are represented in all the States and Territories. This fact adds to the significance of the high average value reported for its churches. Its ministers, like those of the Presbyterian Church, are well cared for. It makes no separate return for

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ministerial salaries; but by correspondence I have gathered these facts:

In a diocese of the Protestant Episcopal Church on the Southern border, which includes a large city, there are six rectors who receive as much as $5,000 each, besides a residence. Two of them receive about $6,000 each. Another diocese in the Middle West pays a much lower rate. There are only three rectors there who have as much as $2,000,—one has $3,500, another $2,500, and the third $2,000. Other churches, counted as good churches, pay from $1,200 to $1,800. In a diocese in an Eastern State the average salary is about $800, the highest being $4,000 and the next highest $3,500. In one of the strongest dioceses of the East, four churches pay $10,000 and a house each; another $9,000, and four $8,000 each. A dozen or more rectors get from $5,000 to $10,000 each. Outside the city, which makes up most of the strength of the diocese, there are two parishes which pay each $2,500 and a house, and only a few which give as much as $2,000. Three-fourths of the churches of the diocese pay less than $2,000 each. In another, an old and wealthy diocese, one rector receives $6,000 with a house, three receive $5,000 each, and four $4,000 each. In a well-established Illinois diocese three churches pay $6,000 each, one $5,000, another $4,000, and three about $3,000. Other salaries range from $800 to $1,500; but those which are less than $1,000 are made up to that sum. In a New York diocese one rector gets $7,500 and a house, three $5,000 each, five $4,000 each, and others lesser sums. In another diocese in New York the salaries range as follows: one of $5,000; one of $4,500; one of $3,000; three of $2,500; three of $2,000; nine of $1,500; nine of $1,200; fourteen of $1,000. The lowest is $450, which is paid by each of four churches. In a New England diocese, including two cities and several large towns, six rectors receive from $3,000 to $4,000 each and a rectory. The four next largest salaries range from $3,500 to $2,500. To the amounts mentioned in this paragraph, from $500 to $2,500 should be added for house-rent. This would make some of the $10,000 salaries equivalent to $12,500.

Two or three other denominations need to be referred to briefly. The Baptists, who are very numerous, particularly in the South, pay very low salaries. Probably no Baptist pastor in any of our cities receives more than $6,000, with one exception. There is a $10,000 salary in a Northern city; but in this case lecture-fees and other

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receipts are turned over to the church, and pretty nearly balance the account. Five others in the same city receive $5,000 each. In New York and Brooklyn not more than four receive as much as $5,000 each. There are two Baptist churches in a Western city that pay $6,000 each. But salaries of $5,000 or more are rare. In the South the salaries range lower than in the North. Four thousand dollars is about the highest salary paid, and that is paid only in Louisville, Atlanta, and Baltimore. In a number of cities as much as $3,000 are given, the other principal churches giving about $2,500. Quite a large number of churches in cities and smaller towns give $2,000 and a parsonage. Where there are thriving churches in country towns as much as $1,500 and $1,800 are given; but often much less is paid. The denomination is so large and is spread over so much agricultural territory that all conditions require to be met. The general custom is for the well-settled agricultural sections to attend church in town. These towns are widely scattered, and very often a Baptist church is completely surrounded on Sunday with vehicles from the neighboring country. Small and plain houses of worship which each have their regular day in the month for service are quite numerous in the rural districts. These are so conveniently placed that a person may attend a church of his own faith nearly every Sunday by going in different directions. This applies not only to the Baptists but to the Methodists. Episcopalians and Presbyterians usually go to the towns.

Among the Lutherans the highest salary paid is $6,000, and that only in a single instance. There are but few $4,000 and $5,000 salaries, and not very many of $3,000. It is the almost universal custom of Lutheran churches, however, to provide parsonages, and these are in addition to the salaries paid. The average salary is very low; but the salary often does not indicate what the pastor receives. The German pastor usually receives a fee for every baptism, confirmation, and funeral, as well as for every wedding. The perquisites in some cases exceed the salaries. Among English-speaking Lutherans this practice is not general. Some of the older country parishes, especially in New York, each provide besides a parsonage a small farm, which the pastor is expected to have tilled as a part of his salary. The large parishes of from four to eight congregations in the rural districts of Pennsylvania enable their pastors to obtain a livelihood, notwithstanding the small amount each communicant contributes toward his support—less than fifty cents. The country pastors,

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even with small salaries, are better provided for than their brethren in towns or cities on twice or thrice the amount, since they obtain many perquisites from the farms of their members. The early Lutherans in New York received so large an amount from fees that the Dutch and Episcopal pastors once petitioned the Governor to compel them to divide it. A Lutheran pastor in New York city, who receives a salary of $2,500 and a house, gets $2,500 more by perquisites. What is true of the Lutherans is true also of the German Reformed Church.

The pastors of the Reformed (Dutch) Church, particularly of the older and stronger churches, are well paid, quite a number of them receiving from $5,000 to $10,000. Jewish rabbis get as high as $12,000 in salary, besides perquisites. The highest salary paid in New York is $10,000, and the lowest $1,000. The regular stipend of a Catholic priest is $800 with house, light and fuel free. The fees they receive go to the support of the house.

From these facts it will be seen that there are some very desirable clerical incomes. Ministers receiving from $5,000 to $15,000 in salary are in most cases able to add a considerable sum from the proceeds of lectures, from wedding and other fees, and also from bequests. Then there is the annual vacation of from one to three months when, free from the cares that the merchant and most other business-men cannot shake off, the minister can spend his summer in the mountains, at the seashore, or in Europe. The position, with its honors and emoluments, is a tempting one, notwithstanding the worry, the anxieties and the burdens which are the preacher's lot for nine or ten or eleven months in the year. The young man who enters the ministry, however, cannot be sure of getting one of the prizes. Many an able, well-educated minister must content himself with a salary of $500 a year, barely sufficient for the most pressing necessities of his family, with no margin for the education of his children. There are of course many lawyers and doctors and teachers who have to pinch and to pinch to make a meagre income fit a larger need. I suppose it is generally agreed that teaching commands the poorest pay of all the professions. The average preacher is much better off, I should say, than the average teacher; and a preacher with a small income has more chances of comfort than a lawyer or a physician in similar circumstances. The minister gets his half-fare on the railroad, his percentage of discount at the store, his low rate for

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the college-expenses of his children, his free tickets to the occasional entertainment. These are helps; yet on the other hand his opportunities for giving are larger than his opportunities for saving. Few even of those who are well paid accumulate anything. They are as a class the most liberal of men. One prominent Presbyterian pastor, who had to borrow a dollar to buy an alpaca coat to graduate in, now pays his own salary as pastor and the salary of an assistant; but he did not make his money in the ministry.

The larger incomes of pastors compare very favorably with the salaries of judges. There are more pastors than judges with $10,000 a year. There are several who receive more than the Chief-Justice of the United States Supreme Court ($10,500). Cabinet officers receive only $8,000 each; only three Governors of States receive $10,000 each; while other State officers and members of the State judiciary are generally less liberally paid. A number of college presidents receive $10,000 each; but none of the professors receive as much as $6,000, while some have to be content with $500, or even less. It must be said that there is a better prospect for the young man who enters the ministry than for him who makes teaching his profession.

As to the time and expense necessary to educate a young man for the professions, there is not much difference, I suppose, between the medical, theological and legal courses. Dr. Billings[1] says that the physician is not ready for practice until he is about twenty-eight years old, and the cost of his education, including his living expenses and books, is about $8,000. Supposing the collegiate education to be the same (as a rule a much larger proportion of ministers are graduates from college than of lawyers or physicians), a theological course is a year shorter than the full medical course, but is usually the same as the legal course. The time, therefore, varies little, and the cost is about the same. Dr. Billings is right when he says that a career which secures "a happy home, and sufficient means to support it, although it may not have led to wealth, is a successful career." Such a career is offered to many thousands by the ministry.

H. K. CARROLL.

[1] THE FORUM, February, 1893.

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